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Letter dated 21 June 2012 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, and in accordance with paragraph 4 of Security Council resolution 2021 (2011), I have the honour to submit herewith the interim report of the Group of Experts on the Democratic Republic of the Congo (see annex).

In this connection, I would appreciate if the present letter, together with its annex, were brought to the attention of the members of the Security Council and issued as a document of the Council.

I have the further honour to inform you that the Group of Experts intends to transmit to the Security Council, through the Committee, an addendum to the interim report in due course.

(*Signed*) Agshin **Mehdiyev**
Chair

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Annex

Letter dated 18 May 2012 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

The members of the Group of Experts on the Democratic Republic of the Congo have the honour to transmit the interim report of the Group, prepared in pursuance of paragraph 4 of Security Council resolution 2021 (2011).

(*Signed*) **Steven Hege**
(*Signed*) **Nelson Alusala**
(*Signed*) **Ruben de Koning**
(*Signed*) **Marie Plamadiala**
(*Signed*) **Emilie Serralta**
(*Signed*) **Steven Spittaels**

I. Introduction

1. Pursuant to paragraph 4 of Security Council resolution 2021 (2011), the Group of Experts on the Democratic Republic of the Congo submits the following interim report in fulfilment of its obligation to report to the Council, through the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo (hereafter referred to as "the Committee"), by 18 May 2012. The purpose of the report is:

(a) To establish the Group's interpretation of its mandate and methodology based on guidance and advice received to date from the Committee;

(b) To signal the direction of the Group's current research efforts without compromising ongoing investigations;

(c) To highlight critical events related to the Group's mandate which have taken place since the Group's previous final report was submitted to the Committee on 18 October 2011 (S/2011/738), including factual updates on sanctioned individuals and entities, as well as those cited in previous reports.

The Group will present its final report to the Security Council, through the Committee, before 19 October 2012 in pursuance of paragraph 4 of resolution 2021 (2011).

2. By his letter dated 10 February 2012 (S/2012/85), the Secretary-General informed the Security Council that he had appointed to the Group of Experts the following individuals: Mr. Nelson Alusala of Kenya (arms); Mr. Ruben de Koning of the Netherlands (natural resources); Ms. Marie Plamadiala of the Republic of Moldova (customs and aviation); Mr. Steven Spittaels of Belgium (finance); and Mr. Steven Hege of the United States of America (armed groups and Coordinator). By his letter dated 8 March 2012 (S/2012/143), the Secretary-General appointed the sixth member of the Group, Ms. Emilie Serralta of France (regional issues). The Group will not benefit from the support of any consultants during its current mandate.

3. Following consultations with the Security Council members and concerned Member States in New York, the Group presented its investigative priorities to the Committee on 2 March 2012. The Group arrived in the Democratic Republic of the Congo on 11 March 2012 to begin its field work.

A. Mandate

4. The Group of Experts on the Democratic Republic of Congo is a non-permanent team of independent individuals appointed by the Secretary-General, in consultation with the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo. The mandate of the Group, which supports the Committee and works under its direct guidance and advice, was originally established pursuant to resolution 1533 (2004) to monitor violations of the sanctions regime and arms embargo introduced by the Council in its resolution 1493 (2003). The Group's current mandate is derived from

five subsequent Council resolutions, most recently resolution 2021 (2011), adopted on 29 November 2011.[1]

5. In its monitoring of the arms embargo, the Group's primary role is to investigate and document evidence regarding the procurement of military equipment, including weapons and ammunition, by armed groups active in the Democratic Republic of the Congo, as well as their related financial networks and involvement in the exploitation and trade of natural resources. Following the adoption of resolution 1807 (2008), the arms embargo was lifted on the Government of the Democratic Republic of the Congo and subsequently only applies to all non-governmental entities.

6. However, as established in its two previous final reports (S/2010/596 and S/2011/738), the Group evaluates the challenges related to the integration of former armed groups into the national security forces, notably the Forces armées de la République démocratique du Congo (FARDC), as well as the involvement of criminal networks within security forces in the exploitation and trade in natural resources, thus undermining mining industry and security sector reform efforts. The Group has taken note of the particular interest of the Security Council in such issues through its informal consultations with Council members as well as by paragraph 12 of resolution 2021 (2011), by which the Council encourages the Government of the Democratic Republic of the Congo to continue to address the underlying issue of the cohesion of the national Army, including by further ensuring proper integration and vetting of former armed groups, in particular the Congrès national pour la défense du peuple (CNDP), into FARDC.

7. Moreover, by paragraphs 6 to 13 of resolution 1952 (2010), reaffirmed by paragraph 5 of resolution 2021 (2011), the Security Council has tasked the Group with evaluating the impact of its due diligence guidelines for importers, processing industries and consumers of Congolese mineral products, as conveyed to the Committee in its final report of 2010 on 18 October 2010.[2] The guidelines aim to help companies avoid reputational damage and possible targeted sanctions. With regard to the latter, by paragraph 9 of resolution 1952 (2010), the Council decided that the Committee, in determining whether to designate an individual or entity supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade of natural resources ... should consider, among other things, whether the individual or entity has exercised due diligence ....

8. By paragraph 5 of resolution 2021 (2011), the Security Council requested the Group to include in its evaluation of the impact of due diligence a comprehensive assessment on the economic and social development of the relevant mining areas in the Democratic Republic of the Congo.

9. Furthermore, by paragraph 6 of resolution 1952 (2010), the Security Council requested the Group to investigate perpetrators of serious violations of international humanitarian law and human rights abuses, including within the national armed forces ..., which was reaffirmed by paragraph 5 of resolution 2021 (2011). As such,

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[1] Security Council resolutions 1807 (2008), 1857 (2008), 1896 (2009), 1952 (2010) and 2021 (2011).

[2] See final report of the Group, sect. IX, in document S/2010/596. A consolidated version of the recommended five-step due diligence process is available at www.un.org/sc/committees/1533/pdf/due_diligence_guidelines.pdf.

the Group seeks to identify responsibility for commanding the recruitment of child soldiers, the targeting of women and children, and acts of sexual violence.

10. On the basis of the conclusions of its investigations, the Group makes recommendations in its interim and final reports regarding the implementation of measures to enforce the arms embargo and sanctions regime as well as to address issues related to armed groups, criminal networks within the security services and the trade in natural resources. By paragraph 18 (f) of resolution 1807 (2008), the Group is mandated to identify individuals and entities found to have violated the provisions of the arms embargo or the sanctions regime, and to recommend them for targeted sanctions through a confidential annex to its final report. As established by resolutions 1807 (2008) and 1857 (2008), the criteria for designation can be found in annex 1.

11. The Group considers that financial support to or business dealings with a sanctioned individual or entity constitute violations of the assets freeze and therefore are sanctionable acts. The current list of individuals and entities designated for targeted sanctions by the Committee (as of 28 November 2011)[3] is provided in annex 2 and updated information on some of the individuals and entities on the list is provided in annex 3, which the Group intends to convey formally to the Committee with a view to updating the list.

B. Methodology

12. The Group of Experts adheres to a rigorous investigative methodology to ensure the greatest degree of accuracy of its assertions and conclusions. Its evidentiary standards uphold those recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its report of 2006 (see S/2006/997, annex). The Group conducts exhaustive and in-depth field research in zones controlled by armed groups, seeking at all times to rely on authentic documents and, wherever possible, first-hand, on-site observations by the experts themselves, including photographs. Where such evidence is not possible to obtain, investigative conclusions must be corroborated, at a minimum, by three sources assessed by the Group to be independent of one another, credible and reliable. The Group prioritizes testimonies from current and former members of armed groups, local witnesses of specific events and security services principally from the Democratic Republic of the Congo. Nevertheless, the Group systematically assesses the credibility of each of its sources and remains wary of deliberate efforts to influence its findings. Further details regarding the Group's methodology can be found in annex 4.

13. By successive resolutions, the Security Council has consistently called upon the Group of Experts, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and its predecessor, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), to closely cooperate and share information. By paragraph 18 of resolution 1807 (2008), reaffirmed by paragraph 4 of resolution 2021 (2011), the Council requested the Group to examine and analyse information gathered by MONUC in the context of its monitoring mandate. By paragraph 11 of resolution 1896 (2009), the Council

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[3] The list is available from www.un.org/sc/committees/1533/pdf/1533_list.pdf.

requested, in particular, that MONUC share all relevant information with the Group. However, as of the drafting of the present report, during its current mandate, the Group has not received through formal channels any documents and/or reports issued by MONUSCO.

14. Finally, in light of the newly adopted limit of 23,000 words (excluding the annexes) for all reports by United Nations expert groups, the Group has sought to identify and target only the most critical and substantive violations of the arms embargo of greatest interest to the Security Council based on the guidance and advice provided by the Committee. The following sections of the report outline the Group's current assessment of those priorities within the different components of its mandate and provide a factual update on key developments.

II. Foreign armed groups

15. The Group intends to continue focusing its efforts on the principal foreign armed groups present in the Democratic Republic of the Congo, notably the Allied Democratic Forces (ADF), the Forces démocratiques de libération du Rwanda (FDLR) and the Forces nationales de libération (FNL). Smaller allies and splinter groups will not be covered, unless the Group obtains clear evidence of external support. The Group will continue to investigate the involvement of foreign armed groups in local sources of financing, such as the trade in natural resources, recruitment efforts, weapons procurement and any local or external financial or military support. It will not investigate the Lord's Resistance Army in any depth owing to the fact that there are consistently no indications that this armed group, present in Orientale province, benefits from any external or local financial or military support, nor is it involved in the exploitation or trade of natural resources.

A. Allied Democratic Forces

16. The Allied Democratic Forces are a Ugandan-led Islamist rebel group based around the Rwenzori Mountains of North Kivu. Sanctioned individual Jamil Mukulu[4] remains the ADF supreme Commander. The Group has received initial reports that Mr. Mukulu has been present in the Democratic Republic of the Congo with ADF combatants in recent months. During its current mandate, the Group is investigating both local financial arrangements as well as external financing of ADF, in particular the role played by regional and international support networks coordinated by Mr. Mukulu.

17. In August 2011, Mr. Mukulu's residence in Nairobi was raided by Kenyan police, where they captured one of his sons, Hassan Mukulu. The Group has requested access to information and documents seized during this raid which relate to the international financing of the rebels.

18. On 30 November 2011, FARDC arrested two Ugandan nationals in possession of passports of the United Kingdom of Great Britain and Northern Ireland, who had travelled to Beni territory in order to conduct training for the movement. Hoods Sempebwa and Habibi Kiwanuka both allegedly have dual Ugandan and United

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[4] See www.un.org/News/Press/docs/2011/sc10410.doc.htm.

Kingdom citizenship. As an indication of their importance to the rebel movement, shortly after their arrest, ADF launched a failed attack to free them (see annex 5). United Nations sources told the Group that Mr. Kiwanuka was a critical liaison officer for ADF in the United Kingdom, who had come to coordinate activities on the ground for a period of four months. Both individuals had been transferred to Kinshasa by the Government of the Democratic Republic of the Congo. The Group intends to seek further cooperation from both the Ugandan and United Kingdom authorities to identify the financial support networks in which Mr. Sempebwa and Mr. Kiwanuka were involved.

19. Faced with impending joint MONUSCO-FARDC operations in early 2012, ADF have conducted repeated pre-emptive strikes against FARDC positions and even targeted MONUSCO. On 18 January, ADF attacked FARDC at Mukoko and pillaged uniforms and weapons after driving out the army unit deployed there. On 30 January, ADF ambushed a FARDC patrol east of Eringeti. ADF proceeded to kill eight FARDC soldiers in Bilimani on 23 March and recovered their weapons, forcing the Congolese army to retreat to defensive positions, thereby stalling operations against them. When operation "Radi Strike" was launched in an attempt to overrun key ADF camps, ADF fired on MONUSCO helicopters overflying the rebel headquarters of Nadui, on 19 and 21 March. ADF subsequently transmitted a letter to MONUSCO, citing verses from the Koran and threatening further attacks on United Nations camps and personnel if the reconnaissance missions persisted (see annex 6).

20. ADF have also continued targeting civilians whom they accuse of not respecting business arrangements or providing intelligence to the Government of the Democratic Republic of the Congo. On 13 November 2011, the rebels kidnapped 16 gold miners east of Eringeti and killed Donat Malahumbe, a businessman and gold dealer with long-standing ties to ADF, who had previously played an important role in facilitating money transfers.

21. Finally, the Group intends to continue investigating ongoing ADF recruitment throughout East Africa and alleged links with Al-Shabaab rebels in Somalia with the support of the Kenyan, Tanzanian and Ugandan authorities, as well as in conjunction with the United Nations Monitoring Group on Somalia and Eritrea.

B. Forces nationales de libération

22. As documented by the Group during its 2011 mandate, the Burundian rebels of the Forces nationales de libération have continued operating in South Kivu since the flight of their president, Agathon Rwasa, from Burundi in July 2010. The resurgent rebellion had been commanded by Antoine "Shuti" Baranyanka until February 2012, when internal disputes concerning potential alliances led him to be replaced by his chief intelligence officer, "Lt Col." Aloys Nzamapema. FARDC killed FNL senior officer Claver Nduwayezu, alias "Carmel" or "Mukono", following an FNL ambush attack along the main road near Kiliba on 3 May 2012.

23. In addition to their headquarters near Kiliba, FNL currently maintain positions in hills above the village of Mboko in Fizi territory and a position in the Middle Plains of Uvira territory. Furthermore, as a result of the dissolving of the FARDC 105th regiment in Fizi, FNL soldiers working with Mai Mai Yakutumba have regained control of strategic and resource-rich areas on and south of the Ubwari

peninsula on Lake Tanganyika. Current combatants have told the Group that FNL recruitment continued within the Burundian security services, with small numbers frequently passing into Uvira territory. The same sources indicated that FNL continued to obtain weapons in the United Republic of Tanzania, often arriving on boats via the Burundian port city of Rumonge.

24. Over the course of its previous mandate, the Group obtained testimonies from members of the Burundian political opposition, who concluded that in light of their perceptions of the human rights, political and governance situation in the country, the only way to attract the attention of the international community and the Government of Burundi was to mobilize armed forces in order to force a political dialogue. In a two-pronged strategy, while demanding direct concessions from the Government, opposition politicians of the Alliance of Democrats for Change (ADC)-Ikibiri established and activated networks of support for a wider armed rebellion, which included the FNL rebels present in South Kivu.

25. The Group reached these findings first and foremost through interviews with five current FNL combatants both in Bujumbura and in Uvira territory, four arrested rebel collaborators and four completely independent Burundian as well as international interlocutors in consistent communication with these political leaders. Though not mentioned in the Group's final report of 2011, in a telephone conversation in August 2011 the rebel Commander of the Front pour la restauration de la démocratie-Abanyagihugu (FRD) in Ruyigi, Col. Pierre-Claver Kabirigi, also confirmed the direct involvement of opposition political leaders, including Alexis Sinduhije, in mobilizing for an armed rebellion, which included his forces, those of FRONABU-TABARA, FNL and others.

26. Public and private statements made by members of the ADC-Ikibiri have also repeatedly alluded to the threat of an armed rebellion as a reason to justify political dialogue with the Government following their contestation of the 2010 elections. Senior Burundian intelligence leadership, however, refused to acknowledge to the Group an "armed rebellion" in Burundi or the links between political opponents and armed groups.

Detention of Alexis Sinduhije in the United Republic of Tanzania

27. On 11 January 2012, in compliance with an Interpol request, Alexis Sinduhije was detained by the Tanzanian police upon arrival in Dar es Salaam on a flight coming from Kampala. According to Burundian authorities interviewed by the Group, the Government had not pursued Mr. Sinduhije's extradition to Bujumbura so as not to appear to be persecuting the political opposition. Mr. Sinduhije was subsequently released on 24 January and allowed to return to France via Uganda.

28. On 27 January 2012, Mr. Sinduhije wrote to the United Nations Secretary-General in response to the Group's findings and stated that because he was Tutsi, Hutu rebels could never accept to work with him (see annex 7). Mr. Sinduhije's lawyer also wrote to the United Nations Sanctions Committee on 3 April 2012 raising several issues related to the Group's methodology (see annex 8). The Group has thoroughly responded to both of these correspondences (see annex 9).

29. In a strict interpretation of the Group's mandate regarding the financing of armed groups active in the eastern Democratic Republic of the Congo, the Group referred to the Burundian rebels present on Congolese soil as FNL, but

acknowledged in footnote 46 of its final report of 2011 that "negotiations among Burundian opposition leaders about a name for their combatants are ongoing. Until a decision has been taken, the Group will continue to refer to this foreign armed group as the 'Forces nationales de libération'." While it appeared from several sources very close to the Burundian political opposition leaders spearheading the negotiations that an agreement was imminent, attempts to establish a unified command under a single name have failed for several reasons, including Agathon Rwasa's reticence to lose control over his loyal FNL combatants.

30. During this current mandate, the Group has found evidence that FNL, while remaining independent, has established operational alliances with FRD and FRONABU-TABARA (hereafter FRONABU), as cemented in a meeting of representatives of the three movements, which took place near Kamanyola in early March 2012. Four FNL officers near Uvira confirmed that they were working with both FRONABU and FRD combatants already present in the Democratic Republic of the Congo.

FNL alliance with FRONABU-TABARA[5]

31. The Group has received several independent reports of a group of 40 Burundian Tutsi combatants based in the hills above Uvira town. According to Banyamulenge leaders and FDLR intelligence officers, these Burundians, who claim to be a prayer group, are in fact FRONABU combatants. Civil society sources have reported them as "les gens de Sinduhije".

32. During the course of its previous mandate, the Group obtained over a dozen testimonies attributing FRONABU to Mr. Sinduhije, including from three individuals in direct and constant communication with him. One intelligence source from a European country has also corroborated the fact that Mr. Sinduhije had created and promoted the FRONABU idea. Furthermore, in March 2012 a senior FNL representative with very close ties to Mr. Sinduhije described for the Group in specific detail how Mr. Sinduhije had come up with the name FRONABU-TABARA and presented it to him and others. The same source also claimed that Mr. Sinduhije had insisted on contacting Mr. Baranyanka and had aspired to transform the FNL combatants present under his command into FRONABU.

33. Mr. Sinduhije's promotion of FRONABU as the name of the overarching new alliance of armed movements is consistent with testimonies from current FNL combatants interviewed in both Bujumbura and Uvira in August 2011, when the movement did not possess any combatants of its own. Moreover, in August 2010 Col. Kabirigi of FRD had also confirmed for the Group that his rebel movement had aspired to encapsulate the FNL rebels, but that Mr. Sinduhije was insisting on his leadership and the name FRONABU-TABARA. Finally, according to one current FNL combatant, Mr. Baranyanka's departure from his command position at Kiliba

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[5] During the Group's previous mandate, FRONABU-TABARA was not present in the Democratic Republic of the Congo and therefore was not the subject of its investigations. On 2 December 2010, France24 broadcast a documentary allegedly on FRONABU Commander "Gen." Moïse in South Kivu province. However, the combatant claiming to be the latter in the documentary is in fact a Congolese Munyamulege combatant from Richard Tawimbi's ex-FRF (Forces républicaines fédéralistes) splinter group. During the Group's visit to Mr. Tawimbi's headquarters in August 2011, the individual was sighted among close protection escorts.

for FNL was caused by the fact that he had refused to work with Tutsis, in particular Mr. Sinduhije.

Alliance of the Forces nationales de libération with the Front pour la restauration de la démocratie-Abanyagihugu

34. On 22 November 2011, Pierre-Claver Kabirigi declared the establishment of FRD via a memorandum (see annex 10) published on 22 November 2011. According to former and current combatants, the FRD movement included Union for Peace and Development (UPD) political party member and deserter of the security services, Jean Petty Nduwimana. During a telephone conversation with Col. Kabirigi, the Group was invited to the United Republic of Tanzania to meet with him. FRD launched a failed attack from the United Republic of Tanzania on police posts in Cankuzo province in December 2011. The Government of Burundi claimed to have killed 57 of the combatants and captured another 20.

35. On 10 April 2012, two Burundian FRD combatants, "Maj." Kevin Ndaishimye, alias Wilondja Ali, and "Capt." Idi Shabani Morisho were arrested by FARDC in the town of Sange in Uvira territory. In interviews with FARDC intelligence officers, both "Capt." Shabani and "Maj." Ndaishimye confirmed the FRD alliance with FNL, the presence of their high command in the United Republic of Tanzania and their having purchased weapons through local Congolese arms dealers. Their mission orders, as obtained by the Group, described such tasks as preparing for a training centre in the Democratic Republic of the Congo, contacting Congolese armed group leaders and recovering weapons from local contacts and arms caches (see annex 11). The Group is seeking to confirm reports that Col. Kabirigi had been killed near Kiliba in the Democratic Republic of the Congo in April 2012.

Gatumba massacre

36. Finally, the Group has continued to investigate the alleged involvement of FNL in the massacre of 32 individuals in the Burundian border town of Gatumba in August 2011. FNL officers confirmed that on the day of the massacre, Mr. Mukono had been sent by the Burundian intelligence to attract Mr. Baranyanka to Gatumba, where he was to be arrested. The Group will continue its inquiries into this event during the remainder of its mandate.

C. Forces démocratiques pour la libération du Rwanda

37. The end of 2011 and beginning of 2012 were characterized by a deterioration of relations with local armed groups that participated in a successive wave of targeted assassinations against key senior commanders and liaison officers of FDLR. On 20 November 2011, the Congolese armed group Nduma Defence of Congo (NDC) killed Montana Battalion Commander, Lt Col. Evariste Kanzeguhera, alias "Sadiki Soleil", at the village of Misao in Walikale territory. Sgt Maj. Séraphin Leonso Karangwa escaped the attack. On 26 November 2011, the local armed group, Front de défense du Congo (FDC), killed five FDLR combatants, including key community liaison officers.

38. Lt Col. Faruha Honor Sindyamahuri was subsequently executed by his immediate bodyguards on 6 December 2011 in Rutshuru territory. In the most significant blow to the FDLR senior leadership, FDC participated in an attack on a

key Forces combattantes abacunguzi (FOCA) position near Kimua, in Walikale territory, killing five senior officers, including Chief of Staff "Brig. Gen." Leodomir Mugaragu.[6] Finally, in January and February 2012 liaison antenna officers Capt. Samson Businge, in Uvira territory, and Maj. Thomas, in Rutshuru, were also assassinated by close bodyguards.

39. During the months of February and March 2012, joint MONUSCO-FARDC military operations, referred to as *Amani Kamilifu*, aimed at overrunning FDLR positions in Shabunda, Walungu, Kabare, Mwenga and Kalehe territories in South Kivu province. Prior to and throughout these operations, FDLR were attacked by local Raïa Mutomboki. The FDLR 2nd battalion Commander in South Kivu, Lt Aloys Bizimana, alias Idrissa Bashaka, deserted the movement near Bunyakiri on 10 March 2012, citing specifically the pressure coming from the aggressive Raïa Mutomboki cadres. While South Kivu Commander Col. Léon Mujyambere, alias "Achille", was appointed to replace Mr. Mugaragu as Chief of Staff, his departure to North Kivu was blocked by Raïa Mutomboki forces moving northward to the border between North Kivu and South Kivu.

40. In reaction to the threats posed by joint operations, FDC, Raïa Mutomboki and selective assassinations, FDLR have conducted retaliatory attacks on the local population accused of supporting such groups and called for reinforcements to consolidate the security of senior command positions. According to ex-combatants, FDLR have replaced personal escorts with only the most trustworthy and reliable personnel, strengthened the monitoring of headquarters units and begun restricting collaboration with local armed groups.

41. To adapt to increasing military pressure and the fluid security landscape of the Kivus, current combatants have indicated that FDLR will restructure all units into five sub-sectors and bring all of their units from South Kivu up to North Kivu. These same sources indicate that Gen. Mudacumura[7] will assume the role of President of FDLR, previously occupied by Ignace Murwanashyaka[8] and "Gen." Gaston "Rumuli" Iyamuremye,[9] while the popular "Gen." Stanislas "Bigaruka" Nzeyimana[10] will become the acting FOCA Commander. Finally, FDLR have welcomed new recruits for training in Shario, Walikale territory.

42. Following the ex-CNDP (Congrès national pour la défense du peuple) mutiny within FARDC in Masisi, Rutshuru and Uvira territories, FDLR have largely gained back the majority of their most important positions and taken over strategic locations abandoned by FARDC owing to the suspension of operations against them. As a result of these radical shifts, several officers decided to reverse previous decisions to desert the movement.

43. The Group will continue to focus its efforts during the remainder of its mandate on determining the extent to which FDLR relies still on the mineral trade and related local commercial activities. According to ex-combatants, since November 2011, FDLR senior commanders have begun sharing more economic revenue with lower-ranking soldiers. On 15 January 2012, the rebels briefly

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[6] Designated by the Committee for targeted sanctions on 1 November 2005.

[7] Designated by the Committee for targeted sanctions on 1 November 2005.

[8] Designated by the Committee for targeted sanctions on 1 November 2005.

[9] Designated by the Committee for targeted sanctions on 1 December 2010.

[10] Designated by the Committee for targeted sanctions on 3 March 2009.

captured the gold mine of Omate following a failed attempt to seize control over Bisie. Owing to the disruption of operations and the ex-CNDP mutiny, FDLR regained many mining sites they had lost at the end of 2011 and in early 2012. At the end of April 2012, the rebels took over the Lukoma tin mine and looted minerals in Walungu territory.

44. In December 2011 the International Criminal Court dropped the charges against FDLR Executive Secretary Callixte Mbarushimana[11] and he was subsequently released. According to ex-combatants, senior FDLR officers have used Mr. Mbarushimana's release to assuage fears of international justice. Despite war fatigue and internal tensions stemming from Gen. Mudacumura's leadership style, the hopes for eventual support from Rwandan dissidents, such as Gen. Kayumba and Col. Karegeya, or a drastic turn of events within Rwanda, have remained widespread among both FDLR officers and the rank and file. On 14 May 2012, the Prosecutor of the International Criminal Court asked the Court to issue an arrest warrant for Gen. Mudacumura.[12] The Group will continue its efforts of recent mandates to identify key political and financial supporters of FDLR outside the Democratic Republic of the Congo.

45. The Group's final report of 2011 cited extensive satellite telephone communications between senior commanders of FDLR and individuals in Africa, North America or Europe. The Group will continue to investigate potential support from international networks, including individuals cited in previous reports.

III. Congolese armed groups

46. The Group will continue to investigate the financing of Congolese armed groups through external support and involvement in the trade of natural resources. In the run-up to provincial and municipal elections scheduled for January 2013, the Group will also examine potential support to or manipulation by national, provincial and local political leaders.

A. Front de défense du Congo

47. FDC is a Congolese armed group which emerged in early 2012 as an important force along the border of western Masisi and eastern Walikale. Originally created as a local defence organization against FDLR and supporters of FARDC operations, FDC was officially established under the overall command of "Gen." Butu Luanda, a self-declared ex-CNDP officer. FDC took part in several critical operations against the senior FDLR leadership in the areas surrounding Ntoto and Kimua in January and February 2012.

48. According to several FDC ex-combatants and Government authorities, "Gen." Luanda works closely with Gen. Ntaganda, who supplied him with financial support, weapons and ammunition through Col. Ngaruye in Masisi. In early 2012 Col. Chuma, 84th sector Commander, planned to attack FDC, but ex-CNDP officers, who orchestrated operations with the rebels, protected "Gen." Luanda. According to ex-combatants, Gen. Ntaganda's insistence on attacking FARDC, following the start

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[11] Designated by the Committee for targeted sanctions on 3 March 2009.

[12] The judges of the International Criminal Court rejected the application on 31 May 2012.

of the ex-CNDP mutiny, and the theft of FDC salaries by "Gen." Luanda led to divisions within the group in early May 2012.

B. Mai Mai Raïa Mutomboki

49. Raïa Mutomboki was established as a self-defence group based in Shabunda. The name "Raïa Mutomboki" is now claimed by semi-autonomous groups in Kabare, Kalehe, Mwenga, Walungu and Walikale territories. With distinctive leaders and no single command structure, some of these groups include FARDC deserters. The groups have conducted violent attacks against FDLR combatants and their women and children, and committed pillaging, arbitrary arrests, illegal taxation and sexual violence according to United Nations sources. Their rise as a key armed group in South Kivu, its combat operations against both FDLR and FARDC and its abuses have spurred instability and displacement. According to information received by the Group, several of these groups are now also illegally involved in gold and "3T" (tin, tantalum and tungsten) mining.

50. In addition to fighting FDLR, Raïa Mutomboki has repeatedly clashed with FARDC. The arrest of Raïa Mutomboki leader Major Ndundu, a former FARDC officer, by the Congolese Army in Maniema in early 2012 further fuelled existing tensions between the armed group and FARDC. In spite of this antagonism, the Group has received reports that Raïa Mutomboki continues to obtain ammunition from FARDC. On 12 April 2012, FARDC and Raïa Mutomboki signed a peace agreement in Shabunda which has yet to take effect.

C. Forces de résistance patriotiques en Ituri

51. Led by "Brig. Gen." Banaloki, alias "Cobra Matata", the Forces de résistance patriotiques en Ituri (FRPI) had been limited to the area around Gety, in Ituri district. According to district authorities, the group doubled the size of its force, from about 250 combatants to about 500, by taking advantage of the desertions of several high-ranking FARDC officers of the 4th and 13th brigades, based north of Bunia, on 11 February 2012.

52. During FARDC negotiations with the mutineers, FRPI troops took advantage of the security vacuum and left their forest hideouts on 23 February 2012. The Group has learned from the regional FARDC command and local authorities from the Gety area that several of the abandoned FARDC bases came under the control of FRPI, which are also actively recruiting. At the same time, the FRPI leadership, "Brig. Gen." Banaloki and "Col." Adirodhu, have put forth a list of demands while expressing their willingness to negotiate their demobilization (see annex 12). To date there has been no official response from Kinshasa to the FRPI proposal.

D. Mai Mai Gédéon

53. In its final report of 2011, the Group documented a series of operations launched by Katangese independence movements, including Coordination pour le référendum et l'autodétermination du Katanga (CORAK). CORAK members explained to the Group how they prepared and executed the freeing of notorious Mai

Mai chief Gédéon Kyungu Mutanga in September 2011. His followers have now joined the independence cause. Video footage obtained by the Group shows a wounded former Mai Mai Gédéon lieutenant after a CORAK operation (see annex 13).

54. After his escape, Gédéon Kyungu Mutanga resurfaced in December 2011 in the border area between the territories of Mitwaba and Manono in central Katanga, known as the "triangle of death", where he has reorganized his group. Panicked by his return, local non-governmental organizations (NGOs) have documented more than 35,000 people who fled the area by April 2012. Although some FARDC "Katangese tigers" have followed him into the bush, other rebels have stayed in Lubumbashi. Mai Mai Gédéon combatants conducted a series of attacks in the town before and during the elections, and have stated to the Group that they were planning new ones.

E. Alliance des patriotes pour un Congo libre et souverain

55. The Group's final report of 2011 concluded that National Deputy Honourable Dieudonné Bakungu Mitondeke was an important financial and political supporter of the Alliance des patriotes pour un Congo libre et souverain (APCLS). During the elections, the Group received reports that APCLS had sought to ensure votes in the Lukweti area for Mr. Mitondeke. On 2 December 2011, following a weapons search throughout the city of Goma, a firefight took place at Mr. Mitondeke's residence. After weapons, ammunition and military uniforms were discovered in his house, Mr. Mitondeke was arrested.

56. On 26 February 2012, the Supreme Court convicted Mr. Mitondeke of ethnic hatred against the Rwandophone population. While FARDC intelligence officers told the Group that Mr. Mitondeke was supporting preparations for an uprising in Goma, APCLS representatives defended the position that the Deputy was targeted in retaliation for leaving President Kabila's party and joining the opposition prior to elections in 2011.

57. Following the death of "Lt Col." Evariste Kanzaguhera on 20 November 2011, APCLS took control of the area vacated by the weakened FDLR and the fleeing NDC. As a result of the ex-CNDP mutiny, APCLS took control of the towns of Nyabiondo, Pinga and Mweso, and arrived just outside of Masisi centre. The Group has received reports on the delivery of military supplies, including uniforms, to APCLS in these towns.

F. Mai Mai Yakutumba (Forces armées alléluia)

58. In its final report of 2011, the Group concluded that two of the most important political and financial supporters of the group of Mai Mai Yakutumba, led by "Gen." William Amuri, were national politicians and members of the political opposition, Jemsi Mulengwa and Anzuluni Bembe. Benefiting from the endorsement of "Gen." Amuri, both individuals were elected during the National Assembly elections in November 2011. However, Mr. Bembe's victory was eventually invalidated by the decision of the Supreme Court in March 2012 on the basis of discrepancies in the electoral process.

59. Weakened and driven out of strategic positions in mining zones and along the shores of Lake Tanganyika by FARDC military operations, "Gen." Amuri undertook negotiations with the Government in early 2012. He sent an official delegation to Bukavu in early March. When negotiations stalled owing to their excessive demands, the rebels seized upon the ex-CNDP mutiny and recaptured their traditional positions along Lake Tanganyika, including the Ubwari peninsula, Kazima port and the mining zones of Makama and Talama. According to local civil society groups, the rebels have re-established their elaborate system of taxation on the gold trade and boat movement on the lake. They also continue to collaborate with the Burundian FNL rebels.

G. Nduma Defence of Congo (Mai Mai Sheka)

60. The NDC Commander, "Gen." Sheka Ntabo Ntaberi has allied himself with ex-CNDP General Bosco Ntaganda since mid-2011. The Committee designated "Gen." Ntaberi for targeted sanctions on 28 November 2011,[13] in the midst of his failed electoral campaign for National Deputy.

61. On 20 November 2011, according to ex-combatants and politicians close to NDC, following a visit to Goma to meet with Gen. Ntaganda, "Gen." Ntaberi conducted an operation to attack and kill a former close ally, FDLR Montana battalion Commander Lt Col. Evariste Kanzaguhera, in the village of Misao. Three days later, on 23 November 2011, "Gen." Ntaberi arrived in Walikale centre with some 60 combatants and surrendered to Col. Chuma. The following morning, "Gen." Ntaberi addressed a large crowd in Walikale centre and promoted his candidacy for National Deputy as well as the re-election of President Kabila.

62. Later that day, several FARDC sources witnessed Gen. Ntaganda's aide-de-camp, Col. Masozera, land at Kilambo airstrip to retrieve "Gen." Ntaberi in order to ensure his protection. However, when some FARDC officers, including Col. Chuma, received orders to arrest him, "Gen." Ntaberi fled into the forest, leaving over 60 combatants to eventually be integrated into FARDC and sent to Kisangani.

63. From January 2012 onwards, according to several mining authorities and local civil society, even after FARDC deployed to such locations, "Gen." Ntaberi's networks have continued to be active in investing in and taxing the mineral trade. After losing another 30 combatants to desertions resulting from the breakdown of relations with FDLR, NDC has slowly been reinforced through support from Gen. Ntaganda, who has been an ally of "Gen." Ntaberi since mid-2011. NDC played an important supporting role to Gen. Ntaganda during the ex-CNDP mutiny.

IV. Challenges to the integration of Congolese armed groups

64. The Group has sought to monitor the integration of former armed groups in FARDC following the signature of the 23 March 2009 agreements between the Government of the Democratic Republic of the Congo and CNDP and PARECO (Coalition des patriotes résistants congolais) armed groups, the Group has sought to monitor their integration. During its 2010 and 2011 mandates, the Group highlighted

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[13] See www.un.org/News/Press/docs/2011/sc10461.doc.htm.

such obstacles as the continuous parallel chains of command, privileged treatment of ex-CNDP officers in the Kivus and the economic interests of criminal networks within FARDC, often involving former members of armed groups.

65. At the beginning of 2012, the authorities in Kinshasa assessed the post-electoral period and the growing international pressure for the arrest of Gen. Ntaganda as an opportunity to weaken parallel chains of command maintained in FARDC by ex-CNDP soldiers and other former armed groups. Military reforms had been announced. However, some ex-CNDP commanders who felt that their interests were threatened withdrew from the integration process to force new concessions from the Government. Officers and troops under the shared command of Gen. Ntaganda and Col. Sultani Makenga[14] began deserting from FARDC in April 2012, leading to a resurgence of violent clashes pitting Government units against the mutineers. During its current mandate, the Group intends to further investigate this partial collapse of the integration process.

A. Expansion of the power and influence of the Congrès national pour la défense du peuple

66. The Group's final report of 2011 highlighted the risks related to the expanding and disproportionate power that ex-CNDP commanders and units held within the FARDC-led Amani Leo operations for the Kivus. Until the end of 2011,[15] ex-CNDP leader Gen. Ntaganda exercised de facto operational command of all FARDC soldiers in North Kivu and South Kivu. Through this power, he placed loyal ex-CNDP and ex-PARECO officers in important command positions and deployed predominantly CNDP units to areas of strategic importance in order to ensure his security and economic interests.

67. CNDP also became stronger through a rapprochement between previous rival CNDP branches loyal to Gen. Ntaganda and Col. Makenga. Despite the rift that existed within CNDP resulting from the January 2009 arrest of Gen. Laurent Nkunda, all ex-CNDP officers acknowledged their common interest and reconciled in opposition to redeployment of their officers and troops outside the Kivus since the first attempts to do so in September 2010.

68. In its final report of 2011, the Group documented the extensive involvement of Gen. Ntaganda and his loyal officers in the electoral campaign process. Following the joining of the Majorité présidentielle (MP) by CNDP, and ex-CNDP military support to the re-election of the President, Gen. Ntaganda attempted to impose the election of CNDP candidates in Masisi using military pressure. In exchange for their support to the presidential campaign, CNDP leaders hoped to achieve further implementation of the 23 March 2009 peace agreements, in particular political representation of CNDP cadres in Government positions (see annex 14).

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[14] Col. Sultani Makenga was the Deputy Commander of Amani Leo South Kivu operations, considered to be the second highest ex-CNDP Commander after Gen. Ntaganda and known to be loyal to former CNDP Gen. Laurent Nkunda.

[15] Amani Leo Commander Gen. Amuli was absent during six months in 2011 while recovering from injuries resulting from a plane crash.

Box 1
CNDP involvement in elections

Dozens of accounts from civil authorities, politicians and local organizations indicate that officers loyal to Gen. Ntaganda were responsible for deploying troops to manipulate the electoral outcome in Masisi. Ex-CNDP officers, acting under the command of Col. Baudouin Ngaruye and 811th regiment commander Col. Innocent Zimurinda, forced votes for President Kabila and for CNDP candidate Édouard Mwangachuchu (see annex 15). On election day, ex-CNDP soldiers (a) threatened those who did not vote for Mr. Kabila and CNDP candidates, prompting the local population to flee, (b) voted on behalf of illiterate populations and (c) forced several polling stations to close early in order to prevent opposition supporters from voting and completed the empty ballots. Ex-CNDP troops wearing civilian clothes massively voted, despite legal prohibition for the military to vote (see annex 16). Finally, ex-CNDP officers and politicians informed the Group that the main CNDP candidate, Édouard Mwangachuchu,[a] had paid at least $5,000[b] to both Gen. Ntaganda and Col. Ngaruye, in exchange for military assistance for his campaign (see annex 17).

The Group also documented the involvement in the electoral process of Erasto Ntibaturana (see S/2011/738, paras. 256-264), an influential militia leader and CNDP supporter in Masisi territory. According to local authorities, Mr. Ntibaturana ordered the population in areas under his control to vote for his son, Erasto Bahati Musanga, a CNDP candidate (see annex 18). Troops commanded by Mr. Ntibaturana's other son, ex-CNDP Lieutenant Colonel Gacheri Musanga, the 811th battalion Commander, as well as Mr. Ntibaturana's militia, deployed around voting centres to ensure that the population cast ballots for Lt Col. Musanga. Ex-CNDP officers and local authorities reported that in areas under Mr. Ntibaturana's control, the vote and continued four to six days after the official voting day.

According to FARDC officers and politicians, during the post-electoral period, Gen. Ntaganda and leaders from both the CNDP and their political ally, the Union des Congolais pour le progrès (UCP),[c] organized a series of meetings in Goma in which they negotiated with a view to negotiating the division of legislative seats in Masisi.

The violations committed during the electoral process were so flagrant that the Commission électorale nationale indépendante (CENI) suspended the electoral results for Masisi territory and submitted the case to the Supreme Court. The Court's ruling cancelled the outcome of the legislative elections for Masisi in April 2012.

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[a] Immediately after the elections, Gen. Ntaganda nominated Édouard Mwangachuchu as CNDP president.

[b] Several sources interviewed by the Group reported that the amount used by Mr. Mwangachuchu to obtain security guarantees for his campaign from Gen. Ntaganda and Col. Ngaruye had been substantially higher.

[c] This party is lead by Eugène Serufuli, allied with MP.

B. Post-electoral military reform efforts

69. In early 2012 while consultations for the formation of a new Government were under way in Kinshasa, FARDC senior commanders undertook several initiatives aimed at addressing some of the challenges related to the integration of the FARDC armed groups in the Kivus. In early February, Gen. Amuli returned to his functions as Commander of Amani Leo operations and announced army reforms and redeployments. Amid renewed international and local pressure for the arrest of Gen. Ntaganda, FARDC sought to seize upon the situation to gradually weaken the CNDP role and influence in the army.

70. In this context, in March 2012 the FARDC senior command invited several Amani Leo officers to attend a seminar on FARDC reform in Kinshasa. Ex-CNDP officers Cols. Innocent Gahizi, Amani Leo North Kivu operations Commander, Innocent Kabundi, Richard Bisamaza, Emile Nsengyumva and Eric Bizimana, joined the delegation to the capital, despite Gen. Ntaganda's orders not to do so. Divisions within CNDP ensued, as a pro-Government faction under Col. Gahizi was apparently empowered by the Kinshasa authorities to gradually replace Gen. Ntaganda as the highest ex-CNDP commander within FARDC.

71. As a reaction to these developments, Gen. Ntaganda threatened the officers who departed to Kinshasa and ordered officers loyal to him to remove Amani Leo signs on their vehicles (see annex 19). Fearing arrest, Gen. Ntaganda strengthened the ex-CNDP troop presence in Goma, deploying up to 200 soldiers in the streets surrounding his residence near the Rwandan border. Gen. Ntaganda's paranoia prompted him to often change his location between Goma and his ranches in Masisi.

C. Mutiny of ex-Congrès national pour la défense du peuple officers

72. Amid Gen. Ntaganda's mounting fears of an imminent arrest and several ex-CNDP commanders' concerns about losing privileges attached to their functions and deployments, at the beginning of April 2012, ex-CNDP and ex-PARECO officers launched a mutiny within FARDC, deserting from army units or regrouping their troops in specific assembly points in North Kivu and South Kivu. They alleged that Government provocation and discriminating acts and mistreatment by the military leadership in Kinshasa had led them to desert.

D. Failed mutiny in South Kivu

73. In March 2012 9th sector Commander Col. Bernard Byamungu refused to attend the FARDC seminar in Kinshasa. Col. Byamungu told the Group that he could not travel because of personal reasons. According to several FARDC sources, however, both Gen. Ntaganda and Col. Sultani Makenga instructed Col. Byamungu not to proceed to Kinshasa. According to Col. Byamungu, Gen. Ntaganda feared lest those who would take part in the seminar would be convinced to betray him. Col. Byamungu acknowledged that in Goma at the end of March, he had met with dozens of ex-CNDP and loyal ex-PARECO officers, including Gen. Ntaganda, Col. Makenga, 105th regiment Commander Lt Col. Mwendangabo Nsabimana, and ex-PARECO and 10th sector Commander Saddam Ringo. Congolese intelligence sources reported that the mutiny had been prepared during those discussions.

74. The same sources indicated that following those meetings, Gen. Ntaganda had deployed Lt Col. Bulimaso to the 112th regiment to Lulimba in South Kivu with the intent of seizing the regiment's weapons depot. The mutiny plan entailed Lt Col. Bulimaso subsequently joining Lt Col. Nsabimana and Commander Ringo in taking control over Fizi centre and Baraka, and eventually moving towards Uvira to join forces with Col. Byamungu. While Lt Col. Bulimaso forced his way to Lulimba without any proper deployment orders, 112th regiment Commander Col. Sammy Matumo arrested him on 1 April 2012, leading to an exchange of fire and several wounded FARDC soldiers.

75. Upon learning that Lt Col. Bulimaso had failed in taking control over the 112th regiment's weapons depot, Commander Ringo departed from Fizi for Uvira to obtain further instructions from Col. Byamungu. Lt Col. Nsabimana, based in Baraka, immediately ordered all of his units to return to the town, owing to what he stated to the Group as an escalation of "anti-Rwandophone" sentiments within FARDC. Following repeated firefights in Baraka, according to Lt Col. Nsabimana, on 2 April 2012, Commander Ringo had instructed Lt Col. Nsabimana to assemble all of the weapons in the sector's depot and join him in Uvira.

76. In Uvira, on 1 April, Col. Byamungu held a planning meeting with all senior-ranking ex-CNDP officers, during which he organized his desertion. The South Kivu Amani Leo operations Commander, Col. Delphin Kahimbi, was preparing to replace him as the commander of 9th sector owing to his insubordination in refusing to depart for Kinshasa. Several ex-CNDP officers loyal to Col. Makenga, interviewed in Uvira on that same day, shared with the Group a set of demands regarding salaries, ranks and the overall poor treatment within FARDC. As a result, they said there would need to be a new war to force the Government to resolve those problems, to which they had attributed Col. Byamungu's resistance to being replaced.

77. On 3 April, Col. Byamungu fled into the hills above Uvira together with roughly 50 combatants, including Uvira town battalion Commander, Lt Col. Eric Ngabo, alias "Zairois".[16] Less than a week earlier, according to FARDC officers and civil society leaders, Lt Col. Ngabo had attacked the military prison in Uvira to free two men who were trafficking weapons for the mutiny. The Group obtained text messages sent by one of the men during his imprisonment indicating that they were waiting for him to release them (see annex 20).

78. Upon his arrival in Uvira on 4 April, Lt Col. Nsabimana was attacked by an FARDC unit and forced to abandon many weapons and ammunition stocks (see annex 21). According to Col. Byamungu, however, Lt Col. Nsabimana was still able to transport large amounts of ammunition when he joined Col. Byamungu with 85 soldiers. Subsequent FARDC attacks on the mutineers forced them to flee towards the adjacent Mwenga territory. Both Lt Col. Nsabimana and Col. Byamungu acknowledged to the Group that they had sought to join up there with Col. Makenga loyalist, ex-CNDP Col. Claude Micho, the 107th regiment Commander in Luhwindja.

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[16] Lt Col. Eric Ngabo, alias "Zairois", used to be Col. Makenga's bodyguard and is to not be confused with ex-CNDP Lt Col. Alphonse Ngabo, Deputy Commander of the 803rd regiment in North Kivu.

79. FARDC intelligence sources told the Group that from Mwenga, the mutineers' intent had been to attack Bukavu, where Col. Makenga had been awaiting them. Ex-CNDP Col. Josué Biyoyo, 103rd regiment Commander in Nyabibwe, was also supposed to join them with his large personal stock of weapons, which was seized by FARDC on 21 April (see annex 22). Col. Biyoyo acknowledged to the Group that all the weapons found in his residence had belonged to him personally. However, he claimed to have placed the weapons at the disposal of his units since he had obtained them during the CNDP rebellion. FARDC logistics officers had never registered Col. Biyoyo's weapons.

80. According to Lt Col. Nsabimana and Col. Byamungu, when FARDC impeded the mutineers from reaching Col. Micho's position, Gen. Ntaganda pressured them to make their way to North Kivu. However, Col. Makenga instructed Col. Byamungu to negotiate his surrender to FARDC in the presence of Col. Micho on the promise of impunity and a return to his command position in Uvira. Col. Byamungu and Lt Col. Nsabimana did surrender with 125 men and several heavy weapons, including two 12.7 mm machine guns on 16 April (see annex 23).

81. Both Commander Ringo and Lt Col. Ngabo had managed to flee by motorbike to Bukavu, where Col. Makenga had facilitated their subsequent arrival in Masisi territory, according to FARDC officers. Apart from Commander Ringo and Lt Col. Ngabo, Col. Alexis Muhire of the 106th regiment in Bunyakiri, who had deserted separately on 5 April with 50 men, also succeeded in reaching Masisi with his troops.

Box 2
Commanders of the mutiny

According to ex-CNDP officers, the mutiny had been planned at the moment of the elections, as ex-CNDP commanders had anticipated that after securing President Kabila's re-election, there would be renewed efforts to redeploy them outside the Kivus. Other ex-CNDP and FARDC officers told the Group that the planning for a subsequent revolt had been initiated with the regimentation process at the beginning of 2011, through which ex-CNDP commanders had managed to deploy their officers and troops to strategic areas (see S/2011/738, paras. 278-283 and 296-304).

Ex-CNDP officers stated that Gen. Ntaganda had instigated the mutiny out of fear of his own arrest, which had been outlined in a memorandum signed by representatives of the Tutsi community in advance of the mutiny (see annex 24). Cols. Ngaruye, Zimurinda and Innocent Kaina (805th regiment Commander), who had been close to Gen. Ntaganda and had largely benefited from the integration process in 2009, acted out of fear of losing their privileges.

Col. Sultani Makenga played a more discreet role in the initial stages of the mutiny, as most officers deserting were well known Gen. Ntaganda loyalists. However, nine ex-CNDP officers, including surrendered mutineers interviewed by the Group, testified that since the beginning of the mutiny, orders on the ground had been given by both Gen. Ntaganda and Col. Makenga.

According to ex-CNDP officers, while seeking to make a clear distinction between problems related to Gen. Ntaganda's arrest warrant, Col. Makenga had orchestrated the mutiny as a means of pressuring the Government to resist redeployment and maintain high positions in the army for CNDP officers. Col. Makenga was concerned with the transition of power within CNDP, in the event that Gen. Ntaganda would be sidelined, and feared that the Government might impose Col. Gahizi as the new overall leader of the former armed group.

Col. Makenga loyalists presented the mutiny as a "tactical withdrawal", aimed at forcing the Government to address their demands. In an unsigned memorandum, ex-CNDP officers demanded implementation by the Government of the 2009 Peace Agreement, in particular the return of the refugees, political integration of CNDP and better treatment in the army (see annex 25). According to the same sources, the mutiny was a larger revolutionary movement which included all ex-CNDP, but also ex-PARECO officers, and other former armed groups that felt they had been neglected by the central Government. Meanwhile, at the outset of the mutiny, ex-CNDP officers told the Group that their objective was to take the towns and drive Government forces into the hills.

E. Failed mutiny in North Kivu

82. As of 1 April 2012, ex-CNDP and ex-PARECO troops started deserting or regrouping in assembly points in North Kivu, or driving FARDC loyalists out of military bases. According to FARDC and ex-CNDP officers, on 1 April, ex-CNDP Col. Kaina and Lt Col. Felix Mugabo, Deputy Commander of the 804th regiment, had gathered over 200 ex-CNDP and ex-PARECO troops in Rutshuru. Lt Col. Dusabe Nyabirungu, the 8052nd battalion Commander, had joined the mutineers with troops and weapons from Nyamilima, northern Rutshuru. After holding their positions for one week, following pressure from the Government and continuous surrenders, Col. Kaina had fled from Rutshuru after setting fire to parts of the FARDC base and attacked Bunagana, a village bordering both Rwanda and Uganda, before reappearing in Masisi 10 days later.

83. FARDC and ex-CNDP officers also reported that starting on 1 April 2012, over 500 soldiers had deserted in Masisi, taking positions on hills and driving away Government forces. Col. Ngaruye had moved Government loyalists from his base in Mushaki, central Masisi. Lt Col. Justin Karangwa, Deputy Commander of the 810th regiment and his ex-CNDP officers, had left their posts and established a position nearby. Ex-CNDP soldiers from 803rd regiment had attacked the regiment's position in Kashebere and joined Lt Col. Karangwa. Col. Zimurinda had regrouped 811th regiment troops in Bwiza, northern Masisi. While Lt Col. Jules Butoni, 8121st battalion Commander, had initially deserted with his troops as well and established a position on a hill in southern Masisi, he had returned to the Government several days later (see annex 26).

Box 3

Government initiatives to resolve the crisis

On 9 April, President Kabila and the FARDC high command came to the Kivus to attempt to resolve the crisis. The President officially announced the end of Amani Leo operations and a return to military regions. A delegation of the FARDC high command led by Gen. Gabriel Amisi, FARDC land forces Commander, acting together with Col. Gahizi's team, suspended most of the mutineers and replaced them with other ex-CNDP officers. Ex-CNDP officers loyal to the Government had been tasked with persuading the remaining mutineers to surrender (see annex 27).

The FARDC command brought in two battalions of specially trained commando troops from Katanga and Maniema to reinforce security in the provincial capitals of Goma and Bukavu, and to be used in the operations against the mutineers.

High FARDC officers investigating the mutiny concluded that Gen. Ntaganda, as well as Cols. Ngaruye and Makenga had acted as the main commanders for the mutinies in North Kivu and South Kivu, respectively. They estimated that over 1,000 troops had deserted in North Kivu alone (see annex 28). The officers who had been accused of precipitating the mutiny have been called to Goma to appear in front of a specially created Disciplinary Commission.

While Col. Byamungu and Col. Nsabimana, who had been the main initiators of the mutiny in South Kivu, were told they would only go before the Discipline Commission in Goma, both officers' cases were immediately transferred to the Military Prosecutor's office in Bukavu. Col. Biyoyo had been called to appear in front of the Discipline Commission in Goma. Upon arrival, some of his escorts were disarmed and Col. Biyoyo was arrested and transferred to the Military Prosecutor's office in Bukavu.

FARDC internal reports indicate that all of the 369 soldiers who joined the mutiny in South Kivu were either arrested or sent for training at Kamina military base in Katanga.

Following Government sensitization efforts, as of the first days of the mutiny, 950 of the 1,200 soldiers of the 811th regiment commanded by Col. Zimurinda surrendered to the Government were redeployed to Kananga, outside the Kivus, on 23 April. However, after pressure by certain ex-CNDP commanders,[a] many of the soldiers changed their minds on their way to the airport and returned to Masisi. According to FARDC officers in Kananga, only about 700 soldiers had, in fact, been redeployed.

The redeployment of Col. Zimurinda's regiment out of the Kivus created a wave of discontent among ex-CNDP officers, as this regiment contained the highest number of ex-CNDP troops.[b] The ex-combatants from the 811th regiment included Maj. Ndizeye Mugisha, one of Gen. Ntaganda's main escorts in charge of the security of the General's weapons caches, who surrendered to the Government together with 57 soldiers. When Maj. Mugisha deserted, one of Gen. Ntaganda's main arms caches in Katabi was left almost unprotected. FARDC High Command undertook no immediate action to recover the cache at that stage and Gen. Ntaganda managed to redeploy a unit to Kabati several days later.

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[a] Many among the ex-CNDP commanders remained in Government units but were in fact loyal to the mutineers.

[b] The 811th regiment under Col. Innocent Zimurinda counted 65 per cent of ex-CNDP troops, the largest concentration of ex-CNDP soldiers in a regiment. Most of Gen. Ntaganda's so-called shadow battalions and escorts have been integrated in this regiment.

F. Further escalation of the mutiny in Masisi

84. Several incidents contributed to provoke a further escalation of the mutiny in Masisi. Despite Government efforts to block his exit from Goma, Gen. Ntaganda had managed to flee to Masisi on 7 April 2012, according to FARDC and ex-CNDP officers.

85. After President Kabila's announcement of the official end of Amani Leo operations on 10 and 11 April, uncertainties arose regarding Gen. Ntaganda's status. The President's speeches addressing all FARDC officers and civil society leaders in Goma and Bukavu provided no further clarity regarding Gen. Ntaganda (see annex 29). Col. Alex Bizimungu Masozera, Gen. Ntaganda's aide-de-camp, told the Group that Gen. Ntaganda was still part of FARDC, but as the Amani Leo operations had been suspended, he had no function any longer and had to retire in Masisi. Col. Masozera denied any ties between Gen. Ntaganda and the mutiny. While Gen. Ntaganda's troops were engaged in combats against Government forces, CNDP President Édouard Mwangachuchu released a communiqué similarly stating that Gen. Ntaganda was still part of FARDC (see annex 30).

86. In reality, ex-CNDP and FARDC officers reported that after his departure from Goma on 7 April 2012, Gen. Ntaganda had continued leading the mutiny from his ranch in Masisi. The mutiny had escalated when several officers loyal to Gen. Ntaganda had deserted again and joined him in Masisi. After being called to Goma and being suspended from the command of his regiment, Col. Zimurinda returned to Masisi almost immediately without receiving orders from the FARDC hierarchy.

87. The FARDC command decided to redeploy Col. Ngaruye to South Kivu and replace him as the 3rd sector Commander in Masisi with Government loyalist ex-CNDP Col. Kabundi, who established his new base in Mushaki. However, instead of going to South Kivu, Col. Ngaruye took all his escorts and departed to Masisi. After fleeing from Rutshuru, Col. Kaina appeared 10 days later again in Masisi, together with his escorts, and joined the mutineers.

88. Upon their return to Masisi, Gen. Ntaganda and Cols. Zimurinda, Ngaruye and Kaina built up positions, organized their troops and sought to occupy former CNDP positions in Mushaki, Karuba, Kilolirwe, Kitchanga and Bwiza (see annex 31).

FARDC officers estimated that the mutineers had continued to have over 1,000 soldiers in Masisi. According to ex-CNDP officers and local authorities, the mutineers had ordered ex-CNDP troops of the parallel police to defect alongside the military soldiers and to reinforce the mutiny. Most ex-CNDP commanders had engaged in a widespread recruitment drive of men and children to inflate their ranks. The Group noted that Gen. Ntaganda used operational alliances he had sealed with several armed groups and local militia to enjoy further support for the mutiny.

89. Beginning on 24 April 2012, the mutineers attacked FARDC,[17] triggering clashes pitting Government forces against mutineers. The combat in Masisi often opposed ex-CNDP officers against each other on both sides. On 29 April, the mutineers attacked the Government on two fronts, in Mushaki, southern Masisi, and in Muhongozi, northern Masisi. Subsequently, Col. Ngaruye almost reached Sake, a town situated just 25 km away from Goma.

90. After building up military strength using commando units as well as troops redeployed from Rutshuru, Lubero and South Kivu, Government forces drove the mutineers out of Masisi into the Virunga National Park over the first days of May. Taking advantage of a five-day ceasefire declared by the FARDC Chief of Staff, on 4 May, Gen. Ntaganda and his officers crossed the park along the Nyiamulagira and Nyiragongo volcanoes, together with about 500 troops, towards Rutshuru (see annex 32).

91. The clashes in Masisi provoked a wave of displaced persons and refugees to neighbouring Rwanda. Humanitarian agencies registered 45,000 displaced persons and over 6,750 refugees in April and May 2012. Civilians displaced from Masisi reported that many had decided to leave in the very early stages of the mutiny, after ex-CNDP military had evacuated their families, which had announced a return to conflict. Politicians and local populations also reported that populations had been told to flee by ex-CNDP soldiers.

92. Armed groups, such as FDLR, APCLS, Mai Mai Yakutumba and PARECO Lafontaine, used the momentum to take up positions that were vacated by deserting army units.

G. Armed groups allied with General Ntaganda during the mutiny

Nduma Defence for Congo

93. According to FARDC officers and one ex-CNDP officer, while commanding the mutiny in Masisi, Gen. Ntaganda had taken advantage of his alliance with Nduma Defence for Congo (NDC) and had ordered it to destabilize FARDC in Walikale and take control of the mines. An NDC ex-combatant reported that during the mutiny, Gen. Ntaganda had communicated with Mai Mai Sheka by telephone on a daily basis.

94. FARDC sources and NDC collaborators stated that at the end of March 2012, Gen. Ntaganda had already sent ex-CNDP officers and troops, weapons, ammunition and communications material to reinforce NDC. At the outset of the mutiny, one NDC ex-combatant witnessed a delivery of 60 boxes of AK-47 ammunition and 20

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[17] Clashes in Masisi started on 24 April 2012, after Col. Kabundi attempted to impede the arrival of Col. Muhire's unit from South Kivu to join the mutineers under Col. Ngaruye.

boxes of PKM ammunition, together with 4 PKMs and 2 RPG-7s, which had been transported in Gen. Ntaganda's vehicle.

95. Following the beginning of the ex-CNDP mutiny, over 100 FARDC deserters of the 803rd regiment reinforced NDC in order to attack and pillage the villages along the Mpofi-Kibua axis, killing dozens of FARDC soldiers. When Col. Chuma and 803rd regiment Commander, Col. Pilipili Kamatimba, attempted to dislodge the rebels, they were ambushed and killed on 17 April 2012. Over the last two years, Col. Chuma and Sheka Ntabo Ntaberi have fought for control over mining interests in Walikale. While previously a collaborator of Gen. Ntaganda, according to military intelligence, Col. Chuma had refused to join the mutiny and was preventing NDC from obtaining enhanced mining revenue. Ex-CNDP Col. Manzi, 84th sector Deputy Commander, who had escaped unscathed from the ambush, later joined the M23 rebellion in Rutshuru on 17 May 2012.

Front de défense du Congo

96. In a similar pattern, Gen. Ntaganda used his alliance with FDC to support the mutiny. According to FARDC sources and local authorities from Walikale, he had been supplying Gen. Butu Luanda, FDC Commander, with weapons, ammunition and communications equipment.

97. An FDC officer interviewed by the Group stated that Gen. Luanda had regularly brought 5 to 10 boxes of AK-47 ammunition from Goma to resupply FDC. The same source reported that on 4 April 2012, while the mutiny had just started, Gen. Luanda had ordered FDC troops to attack the FARDC base in Kashebere. In an interview with the Group, Gen. Luanda said that he had ordered his combatants to attack FARDC and take control of Kashebere, Kasopo and Mahanga villages because FARDC had become their enemy. According to FARDC and ex-CNDP officers, the operations carried out by FDC against FARDC during the mutiny had been ordered by Gen. Ntaganda.

Local defence forces (Busumba)

98. Gen. Ntaganda has been collaborating with Erasto Ntibaturana, a CNDP ally maintaining a 50-man-strong militia operating in northern Masisi. Ex-CNDP officers and local authorities reported that Mr. Ntibaturana's militia had been reinforcing Gen. Ntaganda when most of the troops of the 811th regiment commanded by Col. Zimurinda had surrendered to the Government and vacated their positions in Mweso.

99. In particular, ex-CNDP sources indicated that the local defence forces, acting under the command of Erasto Ntibaturana's son Lt Col. Gacheri Musanga, 811th FARDC battalion Commander, had reinforced Col. Zimurinda during the battle against Government forces north of Kitchanga. When the mutineers had been driven out of Masisi, Mr. Ntibaturana and his two sons, Gacheri Musanga and Bahati Musanga,[18] fled together with the mutineers. Both of Mr. Ntibaturana's sons subsequently joined M23.

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[18] Erasto Bahati Musanga had been a CNDP candidate for the legislative elections in Masisi. Mr. Musanga is a close ally of Col. Makenga and subsequently joined M23.

Splinter group of the Forces démocratiques de libération du Rwanda, "Mandevu"

100. According to FARDC and ex-CNDP officers, since 2010, Gen. Ntaganda had established an alliance with a splinter group of FDLR, called "Mandevu", based in Kamatembe in the Virunga National Park. Commanded by "Lieutenant Colonel" Gaston Mugasa, alias "Mandevu", the armed group consisted of over 50 combatants, most ethnic Hutus of Rwandan origin. Gen. Ntaganda, had instructed ex-CNDP officers to protect Mandevu, used him in guiding operations against FDLR and regularly supplied the rebels with weapons, ammunition and food items, according to ex-CNDP officers. In exchange, "Lt Col." Mugasa had shared profits with Gen. Ntaganda from the illegal taxation of charcoal and wood production in the park, where the rebels demanded 50 cents per person at four entry points into the park, adjacent to ex-CNDP positions.

101. During the mutiny, Mandevu's troops reinforced Gen. Ntaganda in several operations in southern Masisi. While FARDC had reinforced all their positions around Goma, Gen. Ntaganda and "Lt Col." Mugasa conducted a joint attack on Mugunga, just a few kilometres from Goma. Three surrendered ex-CNDP soldiers and FDLR combatants interviewed separately by the Group stated that after being driven out of Masisi by Government forces, Gen. Ntaganda had withdrawn with all his officers and troops to "Lt Col." Mugasa's headquarters.

102. Two ex-combatants from "Lt Col." Mugasa and one surrendered mutineer stated that upon departing the park for Rutshuru, Gen. Ntaganda had left about 40 soldiers under Col. Kaina's command with Mandevu, as well as large quantities of weapons and ammunition. One of the ex-combatants reported that Gen. Ntaganda had left over 30 boxes of ammunition (for AK-47 rifles and machine guns), as well as 1 rocket launcher, 2 machine guns, 1 RPG, 15 mortar rounds and 2 rockets.

H. Emergence of M23

103. Col. Makenga has been commanding the mutiny from the outset, together with Gen. Ntaganda. In addition to acting as the operational commander of the mutiny in South Kivu, FARDC and ex-CNDP officers indicated that Col. Makenga had been aiding the mutiny in North Kivu. The units of Col. Ringo, Lt Col. Ngabo and Lt Col. Muhire reached the mutineers in North Kivu with the help of Col. Makenga. Col. Ngaruye joined the mutineers in Masisi instead of departing to take up his post in South Kivu after orders given by Col. Makenga. During the fighting between Government loyalists and mutineers in Masisi, Col. Makenga facilitated the capture of Karuba and Mushaki by leaking information to the mutineers.

104. FARDC and ex-CNDP officers reported that following the mutiny's defeat in Masisi, on 4 May 2012, Col. Makenga had deserted from Goma and established a new front in Rutshuru, taking along over 100 soldiers, including Lt Col. Masozera, Gen. Ntaganda's aide-de-camp, and many of the troops that Gen. Ntaganda had left behind in Goma. On 8 May, Gen. Ntaganda and all the mutineers under his command had joined Col. Makenga in Rutshuru, at the foot of Mounts Mikeno and Karisimbi, near the Rwandan border, after an exchange of fire with Government forces at Kibumba. Two days later, despite FARDC having deployed additional troops to the area, the mutineers managed to take control of former CNDP strongholds Runyoni, Chanzu and Mbuzi, situated along the Rwandan border in Rutshuru (see annex 33).

105. On 6 May 2012, a CNDP communiqué announced the creation of a new movement called M23[19] under the leadership of Col. Makenga. The communiqué declared that Col. Makenga was to take over the command of "all officers". His loyalists indicated that he had created the new movement to distance CNDP from Gen. Ntaganda, who, he believed could not continue to play the high command role he had played in the previous years. Col. Vianney Kazarama, M23 spokesperson, told the Group in a phone interview from Runyoni that M23 command had ordered all ex-CNDP officers to stop responding to Gen. Ntaganda's orders (see annex 34).

106. However, most of the surrendered combatants interviewed by the Group reported that Gen. Ntaganda had established a military position in the park[20] not far from Runyoni and continued to be considered as the highest commander of the mutineers, while Col. Makenga was in charge of the command of the operations.[21] Ex-CNDP sources and ex-combatants indicated that the mutineers had also continued operating together with the armed groups that had cooperated with Gen. Ntaganda. Six CNDP ex-combatants and five Mandevu ex-combatants, who claimed to be a part of FDLR, confirmed for the Group that after ensuring Gen. Ntaganda's safe movement to Rutshuru, Mandevu and his troops had joined M23 at Runyoni. M23 members also told the Group that they had collaborated with NDC (see paras. 60-63 above), Col. Albert Kahasha of UPCP (see paras. 126-127 below) and FRPI (see paras. 51-52 above), as they had the same demands for the central Government.

107. Col. Makenga's close ties to former CNDP Commander Gen. Laurent Nkunda (see para. 67 above), as well as his assumption of the apparent coordination of M23 and of the operational command of the mutineers, are indicators of a renewed importance of the Nkunda wing within CNDP. North Kivu political figures and ex-CNDP officers reported to the Group that Gen. Nkunda encouraged CNDP officers in the two Kivus to leave their posts and join M23. Two ex-CNDP officers and a former CNDP politician testified to the Group that Gen. Nkunda had called them in an attempt to convince them to join M23.

108. During May and June, the Government forces opposed the mutineers in heavy fighting in Runyoni. At the time of the drafting of the present report, fighting continued. The Group is aware that there have been a series of bilateral meetings between the Democratic Republic of the Congo and Rwandan authorities to help resolve the crisis with the ex-CNDP.

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[19] The new movement was named M23, as it aims at demanding implementation of the 23 March 2009 peace agreements between the central Government and ex-CNDP and ex-PARECO combatants.

[20] According to surrenders and FARDC, a team of Gen. Ntaganda's escorts had been sent ahead of the arrival of the mutineers, together with some of Mandevu's troops to establish a base for Gen. Ntaganda in the park near Runyoni. The other M23 officers were deployed on Runyoni, as well as adjacent Chanzo, Mbuzi, Kavumu, Bikenge and Bugina hills.

[21] In 2007 while CNDP was maintaining control of several areas in Masisi, Col. Makenga's unit had been tasked to open a new front in Rutshuru. Col. Makenga then had control of Runyoni and Chanzu.

I. Financing the mutiny

109. In early preparations for the mutiny, since February 2012, several ex-CNDP officers began embezzling the salaries from their units. Officers close to Gen. Ntaganda reported that he had not paid the troops ensuring his close protection in February and March 2012. According to FARDC officers and surrendered mutineers, Col. Kaina had diverted the rations funds of his troops, which amounted to $7,000. Ex-CNDP officers reported that just before his departure to Masisi, Col. Ngaruye had received $30,000 from the FARDC hierarchy for the costs of his redeployment to Bukavu, which he had taken to Masisi. According to officers of the 811th regiment, Col. Zimurinda had prepared to steal the February and March 2012 salaries of his regiment, amounting to $155,500, but was prevented from doing so by the FARDC hierarchy. Finally, in South Kivu, in addition to the salaries stolen by Lt Col. Nsabimana in Baraka since February 2012, Col. Micho, according to military sources, had refused to pay his troops and instead had accumulated their salaries in preparation for the mutiny. The Group notes that the practices described above are in stark contrast with the grievances of the mutineers.

110. In addition, intelligence sources found that during the months preceding the mutiny, soldiers loyal to Gen. Ntaganda had been behind a series of attacks and robberies on banks and other institutions in Goma. In particular, these sources asserted that Gen. Ntaganda's soldiers had been involved in multiple robberies, including that of $1 million from the Banque internationale pour l'Afrique au Congo (BIAC) in December 2011, $50,000 from BIAC in March, as well as attacks and robberies in Hotel Stella Matutina, the Direction générale des douanes et accises and several money transfer agencies. In addition, Lt Col. Masozera, acting on behalf of Gen. Ntaganda, had planned to attack the Central Bank in Goma in March 2012 and Col. Séraphin Mirindi had attempted to divert funds from the 8th military region. Both incidents had been prevented by Congolese intelligence services.

111. According to ex-CNDP officers, during the mutiny in Masisi, the mutineers took over and increased most of the existing taxes, adding new roadblocks. At checkpoints previously controlled by the parallel police at Mweso, Kitchanga, Kilolirwe, Karuba and Kabati, the mutineers imposed a tax of at least $50 per truck transporting wood, charcoal or food items and a $2 tax weekly per motorcycle. In Kitchanga and Mweso, ex-CNDP soldiers under Col. Zimurinda had also introduced a $.50 tax weekly on each household and a $2 tax weekly on shops. Furthermore, mutineers had forced cattle herders to contribute one cow each to the mutiny. Local authorities reported that military soldiers under the command of Col. Karangwa had been carrying out systematic lootings and extortions of civilians on the road axis leading to Masisi in order to gather supplies for his base at Kagundu.

112. Finally, traders and intelligence sources also informed the Group that Lt Col. Ngabo had spearheaded the robbery of more than 5 kg of gold from a foreign businessman based in Uvira in early March 2012. According to FARDC officers, Lt Col. Ngabo had brought this gold with him when he fled Uvira with Col. Byamungu.

Box 4

Ex-CNDP and ex-PARECO parallel police

Local authorities and police officers informed the Group that despite the Government's efforts to integrate the parallel police in September 2011, a force of over 1,000 men continued to control most of the police posts in Masisi and to report exclusively to ex-CNDP police Commander Col. Ibrahim Rwagati under the command of Gen. Ntaganda.[a]

Ex-CNDP officers reported that when needed, this police force had been used for military purposes by ex-CNDP military officers. According to local authorities and parallel police officers, parallel police soldiers continued levying taxes at mines and roadblocks in Masisi to the benefit of Col. Rwagati and Gen. Ntaganda. Based on estimates provided by local authorities, revenue of at least $90,000 per month was produced from taxes on trucks transporting charcoal, $30,000 per month from taxes on trucks transporting food items and $20,000 per month on trucks transporting *makala*.

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[a] As part of the integration efforts carried out in 2011, Col. Zabuloni had been redeployed to Rutshuru and Col. Rwagati had been appointed as the head of the Police d'investigation criminelle in Goma.

J. Weapons and ammunition

113. According to the FARDC command, ex-CNDP officers had never handed over to the Government the weapons they had amassed prior to the 2009 integration, in particular the large amounts seized at Rumangabo military base in 2008. Ex-CNDP commanders retained arms caches which were concentrated under the control of Gen. Ntaganda and Col. Makenga. Ex-CNDP officers stated that they had continued diverting arms supplied by FARDC for the purpose of the operations against FDLR and purchasing weapons from the Congolese black market and regional trafficking networks. During its previous mandate, the Group interviewed traffickers who stated that they were regularly selling weapons to Col. Makenga (see S/2011/738, para. 561).

114. The Group received reliable information from officers who had worked for Gen. Ntaganda that at the outset of the mutiny, weapons were still hidden in Goma and Masisi, Mushaki, Ngungu, Bunyoli, Bwiza and Kabati. Gen. Ntaganda's artillery was located in Mushaki. Ex-CNDP officers who had seen some of the caches testified that in Bunyoli, Kitchanga and Bwiza the weapons had been hidden in underground holes up to 10 square metres large. During the mutiny in Masisi, the mutineers had used the weapons in their combat operations and moved them along as they were losing terrain to the Government. On that occasion, Gen. Ntaganda had dumped large quantities of ammunition with Mandevu's group, with which he had sealed an alliance.

115. In addition, the mutineers commandeered weapons of their units when they started to desert in early April 2012. According to FARDC officers and surrendered

mutineers, Col. Kaina had taken control of heavy weapons of the 805th regiment, which included six machine guns, four RPGs, two 12.7 mm machine guns, four 81 mm mortars and five PKMs. Lt Col. Nyabirungu had defected and joined Col. Kaina, taking along all the weapons from his unit. Col. Kaina had eventually lost control of the weapons when, following Government pressure, he had been forced to leave Nyongera. Before departing, Col. Kaina had set fire to the weaponry, causing loud explosions.

116. Furthermore, according to FARDC officers in Masisi, before his defection, Col. Karangwa had stolen large amounts of weapons, including one 60 mm mortar, one 12.7 mm machine gun and several PKMs and RPGs from the 810th regiment.

117. Following the Government takeover of Masisi, FARDC carried out a raid on Gen. Ntaganda's ranches in Bunyoli and Kilolirwe in Masisi (see annex 35), as well as on his residence in Goma, and uncovered large quantities of light and heavy weaponry (see annex 36).

118. In South Kivu, the FARDC leadership discovered a large quantity of weapons held by Col. Makenga in Nyamuyoni. The Group learned from Congolese intelligence sources that upon returning to his home in Bukavu for the burial of Col. Chuma, Col. Makenga had transferred weapons and ammunition from Nyamunyoni to his residence, where they had eventually been picked up by motorized boat on Lake Kivu. However, as he could not transport all of his arms cache, the remaining ammunition and weapons in Nyamunyoni, including 75 mm cannon rounds, 12.7 mm ammunition and 107 mm rounds, had been seized by FARDC (see annex 37).

119. The Group intends to determine which weapons and ammunition Gen. Ntaganda and Col. Makenga would have been able to obtain through diversion from FARDC stockpiles and which weapons must have resulted from deals with arms-trafficking networks.

K. Recruitment

120. According to ex-CNDP and FARDC commanders, ex-CNDP officers acting under the orders of Gen. Ntaganda had been carrying out large-scale recruitment of men and children since the beginning of the mutiny in Masisi. Based on interviews with ex-CNDP officers, surrendered combatants and escaped recruits, the Group established that Cols. Ngaruye and Karangwa had recruited around in central Masisi and Col. Dieudonné Padiri and Majors Bertin Dusenge and Dieudonné Gakwerere,[22] acting under orders of Col. Zimurinda, had recruited in northern Masisi. Erasto Ntibaturana had recruited in Busumba. Col. Ringo[23] had also been recruiting for Gen. Ntaganda in Nyamitaba, Moheto and Kahira. Most of the ex-combatants testified that the recruits were brought to military positions in Kilolirwe, Kagundu and Kabati.

121. A young man who escaped recruitment reported that the mutineers had been blocking vehicles on the road between Kitchanga and Kilolirwe, and had been

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[22] Col. Padiri was the Deputy Commander, Maj. Dusenge was in charge of planning and Maj. Gakwerere was in charge of intelligence for the 811th regiment.

[23] While he had been deployed in South Kivu, Col. Saddam Ringo originated from Masisi and remained influential in Moheto, Nyamitaba and Kahira villages.

taking young men for military training in a position situated on Inturo Hill in Kilolirwe. The young man had been taken together with 15 other men. When brought to Kilolirwe, he had seen over 200 recruits who were undergoing training.

122. Another young man who escaped recruitment at the end of April shared with the Group that before the battle for control over Mushaki on 29 April, Col. Ngaruye and his troops had recruited all the young men they had met on their way in Kilolirwe and Kahusa villages. All 150 men recruited on that day had immediately been handed a weapon, shown how to shoot and forced to fight in the combat at Mushaki.

123. Two other escapees told the Group that they had been caught while attempting to flee combats in Masisi at the end of April, forced to carry military equipment to their military positions and then forced to join the ranks of the mutineers. One of the witnesses had been forced to carry the luggage of military soldiers under the command of Col. Ngaruye and Col. Karangwa until their position, where he had seen 12 other men who had been recruited in the same way. Another civilian stated that he had been recruited by the mutineers in Kirolirwe, together with eight other men, forced to carry ammunition boxes, then to engage in combat for M23 at Runyoni. FARDC officers, surrendered mutineers and local leaders reported that the mutineers had continued to recruit in Runyoni. Civilians from the village of Chanzu reported that Gen. Ntaganda and Col. Makenga had carried out sensitization meetings in which they had encouraged the population to provide recruits to the movement. According to surrendered combatants, M23 was training those new recruits in Chanzu.

124. FARDC sources and escapees informed the Group that both adults and children were targeted. To date, FARDC had rescued seven children who had been recruited by the mutineers and had subsequently been used by M23. Considering the large-scale character of the recruitment incidents documented so far, as well as the targeting of children, the Group will continue investigating these cases during the remainder of its mandate.

L. Other FARDC mutinies

125. Prior to the massive CNDP mutiny, three other important defections occurred between South Kivu, Beni and Irumu zones.

Union des patriotes congolais pour la paix

126. On 24 January 2012, Col. Albert Kahasha, Commander of the 808th regiment deployed in Oicha, north-east of Beni, deserted from FARDC with an estimated 30 men. On 16 March, Lt Col. Déo Chirimwami defected from the 809th regiment based near Kanyabayonga and joined Col. Kahasha. When contacted by the Group in April, Col. Kahasha claimed to be in the Bunyakiri area in South Kivu. Col. Kahasha is the former Chief of Operations of the now defunct Mai Mai group Mundundu, 40 of which operated in Mwenga, Kabare and Walungu territories in South Kivu until he chose to integrate into FARDC in 2003.

127. According to Congolese intelligence sources, in reality Col. Kahasha had aligned with PARECO Gen. Kakule Sikuli Lafontaine in Lubero territory in North Kivu, forming the Union des patriotes congolais pour la paix (UPCP). UPCP was

established after a meeting held around 14 April in Mashuta by members of various armed groups, including the FDLR splinter group, Ralliement pour l'unité et la démocratie-URUNANA (RUD) led by "Gen." Jean-Damascène Ndibabaje, alias "Musare" (see S/2011/738, paras. 129-130). RUD and PARECO-Lafontaine have collaborated closely in the Bunyatenge area in Lubero territory (see S/2011/738, paras. 130 and 266-269). At the end of April, while FARDC had redeployed units from Lubero to combat mutineers in Masisi, Gen. Lafontaine and Col. Kahasha carried out a series of attacks on FARDC bases in Lubero, recovering weapons and ammunition. In May both M23 members and Col. Kahasha separately informed the Group that they had cooperated with one another, as both movements held similar demands for the Government. While M23 made allegations of Government support to FDLR, Col. Kahasha continued joint attacks with RUD in Lubero territory.

Conseil supérieur de la paix

128. The Conseil supérieur de la paix (CONSUP) was an attempt to reactivate former Mudundu 40 combatants and officers of Shi ethnicity in and around Bukavu in order to galvanize a popular uprising in the wake of the promulgation of Joseph Kabila's electoral victory. The movement was led by former FARDC Col. Bitho, who was eventually arrested in late April 2012. Seventeen members of CONSUP were previously arrested and sent to Kinshasa in February 2012. CONSUP sent several letters soliciting support in the form of vehicles, radios and cash (see annex 38). Current M23 spokesperson Lt Col. Kazarama, according to FARDC sources and former combatants, had been in direct contact with Col. Bitho and had supported the creation of the movement. The Group is still seeking to determine the relation between CONSUP and Col. Kahasha, owing to the latter's former membership in Mudundu 40.

Southern Irumu

129. On 11 February 2012, a number of high-ranking officers from the 4th and 13th brigades based in Ituri defected and tried to launch an attack on loyalist FARDC units. Among the leaders of the mutiny were Lt Col. Gervais Kambale, Lt Col. Kayshugu Bahame and Lt Col. David Ndayishime. The same sources reported that Gen. Amisi had eased the tensions through a number of concessions to the mutineers and the launching of a regimentation process in Ituri (see annex 39). As a result of the regimentation, all commanders referred to above have received a good position — Regiment Commander or Deputy Regiment Commander — in the new FARDC structures. The Group has gathered information indicating that a link between the Ituri and Kivus defections may exist and it will continue to look into this matter.

V. Arms trafficking and stockpile management

130. The Group is working closely with the authorities of the Democratic Republic of the Congo to gather and analyse information on flows of arms, ammunition and related materiel to armed groups. The three principal lines of investigation for the Group's inquiries are cross-border trafficking, diversion from national stockpiles and estimated arms caches controlled by the major armed groups and certain FARDC officers. The Group's investigations into cross-border trafficking include a focus on land and lake smuggling routes, and may lead to requests for information on ammunition production, marking and controls in neighbouring countries.

131. By paragraph 11 of resolution 2021 (2011), the Security Council reiterated its recommendation to the Government of the Democratic Republic of the Congo to enhance stockpile security, accountability and management of arms and ammunition. The Group has begun working with FARDC to review current arms and ammunition stockpile management, logistics and accountability practices, in order to identify risks of diversion and recommend practical measures. This assessment will be illustrated by case studies identified by the Group and national authorities.

A. Arms and ammunition

132. The weapons that the local NGO PAREC had collected through civilian disarmament, which had been stored in containers at the Goma Airport (see S/2011/738, para. 664 (r)), have been shipped out of the Kivus. According to several FARDC and the Republican Guard sources, the transfer had been prompted by the build-up of tension within FARDC and indications that ex-CNDP soldiers could potentially defect. To avoid potential diversion in the event of conflict, the FARDC military Commander, logistics base Commander, Gen. Mbuayama Nsiona, had ordered the removal of the weapons. Some of the weapons had been transferred to Kinshasa and others to Mbuji-Mayi. The first consignment of about 7 tons had taken place on 8 February 2012. These weapons had been transported on the FARDC Antonov 727.[24] The second consignment of 5 tons had taken place on 1 April 2012. The two consignments had been transferred to Kinshasa. On 6 April 2012, two consignments of 4 and 7 tons had been transferred from Goma to Mbuji-Mayi by a hired public plane, Goma Air.[25] On 7 April 2012, the fourth consignment of 7 tons had been transferred to Mbuji-Mayi also by Goma Air.

133. On 4 April 2012, the FARDC South Kivu Commander ordered the transport of 9 tons of assorted arms to Goma for onward transmission to Kinshasa as well. The weapons were transported on a public boat, *MV Patience*. At the time of the drafting of the present report, these arms were still stored in a container at Goma Airport, waiting to be flown to Kinshasa. Meanwhile, PAREC continues with the collection of arms from civilians in North Kivu, purchasing them for $50 per functioning weapon. The collected arms, mostly AK-47 assault rifles, are stored in a container at Goma Airport under the security of the Republican Guard.

134. At the height of the ex-CNDP mutiny, the Group visited the logistics base in North Kivu on 13 April 2012 to establish the situation regarding arms and ammunition. FARDC sources showed the Group 35 boxes of AK-47 ammunition and 6 boxes of 60 mm mortar bombs that had been requested by Col. Innocent Gahizi, Amani Leo operations Commander for North Kivu, for operations in Masisi and Walikale. During the Group's follow-up visit to the same base on 19 April 2012, the last lot of 18 boxes of AK-47 ammunition and three cases of 60 mm mortar bombs were waiting to be dispatched to operational units of the 803rd FARDC regiment in Masisi and Walikale (see annex 40).[26]

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[24] Registration number: 9T-TCO.

[25] Registration number: 9Q-CBG.

[26] In general, each complete AK-47 ammunition box contains 1,500 rounds, while each complete 60 mm mortar bomb case carries three units.

135. Four dangerous bombs that had been stored on the periphery of Goma Airport were destroyed with the support of the NGO Mines Advisory Group in November 2011 (see S/2011/738, paras. 573 and 664 (o), and annex 157).

B. SOCIDEX ammunition plant

136. On 2 April 2012, the Group visited the Société commerciale et industrielle d'explosifs-SOCIDEX (formerly Société africaine d'explosifs-AFRIDEX), as indicated in the Group's final report of 2011 (see S/2011/738, para. 590). The aim was to establish whether this ammunition and explosives factory was still operational. The Group established that the plant had not been operational for the past seven years and as a result was dilapidated (see annex 41). However, the Group has learned from three sources, including the top management of the plant, that the latter discreetly assembled explosives for private mining firms in Katanga. Some of the raw materials were sourced from suppliers in Katanga while some chemicals were ordered from African Explosives Ltd, a South African firm that at one time had also expressed interest in investing in SOCIDEX, but had never pursued the deal.

137. During its visit, the management of SOCIDEX confirmed to the Group that the company hired out its warehouses to private mining companies wanting to store their explosives. It further disclosed that several potential investors had visited the plant recently and held discussions with the management.

VI. Natural resources

138. The Group plans to continue investigating the degree to which armed groups and criminal networks within FARDC are involved in and benefit from the trade in natural resources. It has documented some of the progress made in the demilitarization of mining zones and the efforts under way to promote and implement its due diligence guidelines with upstream and downstream actors in the supply chain. The Group's efforts will be equally balanced between conducting in-depth field investigations in mining zones and engaging constructively with traders, exporters and international buyers of such minerals concerning the extent of their due diligence measures. While previous investigations in the trade in natural resources have included fisheries, charcoal, cannabis and land, the Group will limit its focus during the current mandate exclusively to tin, tantalum, tungsten, gold and timber.

A. Due diligence

139. Pursuant to paragraph 6 of resolution 1952 (2010) and paragraph 5 of resolution 2021 (2011), the Group will continue to evaluate the impact of due diligence guidelines referred to in paragraph 7 of resolution 1952 (2010). The following paragraphs highlight key trends and events with regard to the implementation of due diligence requirements in the gold and the 3T (tin, tantalum and tungsten) sectors within the Democratic Republic of the Congo, as well as at international and regional levels.

1. Tin, tantalum and tungsten

Democratic Republic of the Congo

140. In its final report of 2011, the Group highlighted the contrasted impact of due diligence requirements on the 3T sector. In northern Katanga, where economic actors have introduced the tagging system of the ITRI[27] Tin Supply Chain Initiative and started to conduct risk assessment and mitigation, mineral production and exports have risen. Export houses in northern Katanga have been able to export to smelters that comply with a "conflict-free smelter" audit programme which was launched in December 2010 by two electronics industry organizations[28] to help companies satisfy reporting requirements under section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Meanwhile, in the Kivus and Maniema, where no such traceability systems were introduced, mineral production and official exports have fallen since refineries and smelters seeking conflict-free smelter status stated that from 1 April 2011 onwards they would buy material from red-flag locations only if tagged under the ITRI Tin Supply Chain Initiative scheme (see S/2011/738, para. 339). Although reduced production in the Kivus and Maniema evidently decreased overall conflict financing, it also led to a greater proportion of trade becoming criminalized and with continued strong involvement by military and/or armed groups.

141. The contrast in 3T mineral production and exports between northern Katanga and the Kivus has, in the first trimester of 2012, become less stark. Congolese export statistics and Rwandan customs documents show that after dropping to about a fifth of pre-suspension levels in 2011,[29] mineral exports from the Kivus and Maniema in the first trimester of 2012 reached a third of pre-suspension levels. Six export houses have so far exported in 2012, compared to three in 2011. The gradual resumption of official exports from the Kivus and Maniema warrants careful monitoring by the Group of due diligence implementation by active export houses and their clients abroad. In addition, the Group will continue to monitor due diligence implementation on tagged supply chains in northern Katanga and Rwanda.

142. In its final report of 2011 the Group found evidence that three exporting export houses — TTT Mining, Huaying Trading and Donson International — had failed to conduct due diligence while purchasing from Walikale territory of North Kivu in mines which were indirectly financing armed groups and criminal networks within FARDC (see S/2011/738, para. 342). Huaying and to a lesser extent TTT, which, according to mining authorities, changed its name to Congo Minerals and Metals (CMM),[30] have in 2012 continued to regularly purchase minerals from Bisie in Walikale territory in North Kivu, where no mine site validation has yet taken place (see annex 42). Moreover, the export houses Metachem, GMC and AMR Mugote have, during the first trimester of 2012, purchased tin ore from Bisie (see annex 43),

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[27] A tin industry association whose membership, it claims, accounts for 80 per cent of world tin purchases. It launched the Tin Supply Chain Initiative with the Tantalum-Niobium International Study Center in 2009.

[28] The Global eSustainability Initiative and the Electronic Industry Citizenship Coalition.

[29] On 11 September 2010, President Kabila imposed an indefinite suspension of all artisanal mining activity in North Kivu, South Kivu and Maniema in an attempt to address the problem of militarization of the mineral trade. The suspension was lifted on 10 March 2011.

[30] CMM representatives told the Group that CMM is a new entity that only houses in the premises of TTT. The Group will clarify the relationship between the two companies during the rest of its mandate.

although in much smaller quantities than Huaying, which almost exclusively purchases from Bisie. On 15 May the Ministry of Mines suspended the activities of CMM and Huaying in North Kivu for violating the *note circulaire* on due diligence of the Ministry of Mines (see annex 44).

Box 5

Note circulaire

In its final report of 2011, the Group welcomed the Government's *note circulaire* of 6 September 2011, requiring all mining operators to exercise due diligence, as defined by the Group and the Organization for Economic Cooperation and Development (OECD).[a] The Group also recommended that development partners assist the Government in implementing this requirement and evaluating compliance. Since the circular was issued, there have been debates among the lawyers within the Ministry of Mines on this aspect of compliance.

In theory, a *note circulaire* is an administrative measure, but it can become binding when it foresees potential consequences for mining companies and mineral exporters that do not conduct due diligence. The circular requires companies to comply within 45 days of its enactment, or face punishments that could lead to a suspension of operating licences.

There are current efforts to transform the *note circulaire* into a ministerial order or *arrêté* that is clearly legally binding. The traceability manual of the Ministry of Mines, which, inter alia, defines the roles and responsibilities of State agencies involved in monitoring the flows of commercial mining products, was made into a ministerial order on 15 October 2010, immediately following its publication.[b]

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[a] No. 002/CAB.MIN/MINES/01/2011 of 6 September 2011.

[b] No. 0711/CAB.MIN/MINES/01/2010 of 15 October 2010.

143. Metachem stopped purchasing from Bisie in January because it had obtained information from its suppliers that illegal taxation by NDC was ongoing. Metachem's representative told the Group that he, as president of the Federation of Congolese Enterprises in North Kivu, had advised other export houses to do the same. Nevertheless, Huaying, CMM and AMR Mugote had continued their purchases from Bisie in February and thereafter without showing any documented effort of having assessed the risk of indirectly financing armed groups and criminal networks within FARDC (see annex 45). Representatives of CMM and Huaying told the Group that purchases from Bisie were not problematic because NDC had been dislodged from the area at the beginning of 2012 and the mine currently fell under Government control. According to local administrators and traders, Bisie had indeed come under FARDC control in the beginning of February. However, Huaying's purchases from Bisie predate this event. It also remains unclear whether the role of NDC in Bisie has been fully played out. Furthermore, FARDC has not been entirely replaced with mining police, which poses the risk that mineral purchases indirectly finance criminal networks. This potential, as well as indirect investments by armed groups, must be assessed on the ground, by export houses purchasing from Bisie, following step 2 of the due diligence guidelines (see S/2010/596, para. 361).

144. Representatives of Huaying and CMM also told the Group that in conducting due diligence the export houses relied on the two lists of mine sites attached to the ministerial decisions concerning the qualification and validation of mine sites in the vicinity of Rubaya and Mugogo *centres de négoce*. Both export houses claim to avoid purchases from non-validated "orange" and "red" mines. Statistics from the Division of Mines of North Kivu indeed show that CMM buys from Bibatama D3, a mine in the vicinity of Rubaya qualified "green". Official records from the Division of Mines of South Kivu also show that CMM and Huaying, as well as the export house Bakulikira, purchase from the "green" mine of Nyabibwe.

Box 6
Centres de négoce

In its interim and final report of 2011 the Group described the objectives of the pilot trading centres project (*centres de négoce*) in Isanga/Ndingala and Itebero, in Walikale territory in North Kivu, in Rubaya, in Masisi territory in North Kivu, and in Mugogo, in Walungu territory in South Kivu. Apart from Itebero, all centres have been erected, but none has yet become operational owing to several reasons, including delays in the mine site validation process.

Validation has been concluded for Mugogo and Rubaya, within a 25 km radius of the two centres, by mixed teams — including the Government of the Democratic Republic of the Congo, representatives of civil society and private enterprises, the German Federal Institute for Geosciences and Natural Resources, and MONUSCO — and using three categories as defined in terms of reference by the Ministry of Mines.[a] "Green" sites are those not controlled by armed groups or State security forces and where social rights are respected. "Orange" sites include those indirectly controlled by an armed group or "uncontrolled" public security services, including through taxation along the supply route. "Red" sites are those where an armed group or "uncontrolled" public security services are physically present in the mine.

On 23 March 2012, eight months after validation missions were conducted, the Ministry of Mines published the missions' results.[b] Of 25 sites assessed around Mugogo, 7 were qualified "green" (see annex 46). The list of green mines also includes Nyabibwe, although this mine was not assessed by the validation team because it falls outside the radius of 25 km around the centre. Of the 21 sites assessed around Rubaya, 11 were qualified "green" (see annex 47). Validation missions were supposed to be conducted every three months according to the initial terms of reference, but have not been repeated in either Mugogo or Rubaya. The ministerial orders of 23 March 2012 mention a validity of six months from the date of publication.

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[a] No. CAB.MIN/MINES/02/0379/2011 of 18 April 2011.

[b] No. 0189/CAB.MIN/MINES/01/2012 of 23 March 2012 and No. 0188/CAB.MIN/MINES/01/2012 of 23 March 2012.

145. Since April 2012, the security situation in the mining areas surrounding Rubaya has deteriorated following the mutiny of ex-CNDP units in FARDC. On 28 April 2012, the chief of the provincial division of mines in North Kivu stated to the media that the idea of exporting from green mines would not work because of the recent unrest in Masisi territory.[31] In the beginning of April, Col. Josué Biyoyo, the 103rd regiment Commander, had extorted money from miners in Nyabibwe, according to local civil society representatives. In its final report of 2011 the Group already highlighted instances of military interference in the mine of Nyabibwe, as well as military involvement in mineral transportation (see S/2011/738, paras. 501-502).

146. Considering recent turmoil in the mining areas of Rubaya, as well as Nyabibwe, the surrounding mines would need to be assessed again as soon as the security situation allows it, in accordance with the initial terms of reference. In the meantime, export houses that wish to comply with due diligence requirements while purchasing from Nyabibwe and Rubaya mines cannot rely solely on chain of custody documentation from "green" mines alone; they need to carry out additional on-the-ground risk assessment, following step 2 of the due diligence guidelines referred to above. The same remark applies to companies purchasing from mine sites that have never been validated.

Regional level

147. In its final report of 2011, the Group described the practice of mineral smuggling between the eastern Democratic Republic of the Congo and neighbouring countries. The Group also highlighted the risk of untagged Congolese minerals contaminating the Rwandan traceability scheme, despite significant mineral seizures by Rwandan police and customs authorities (see S/2011/738, paras. 478, 495 and 503). According to Congolese customs authorities in Goma, border controls in Gisenyi had been tightened since September 2011, thereby reducing the volume of smuggled minerals, leading to fewer seizures.

148. In an effort to ensure the credibility of their tagging scheme, the Rwanda Geology and Mines Department in March 2012 banned for six months four Rwandan mining companies for illegally tagging minerals.[32] At the same time the ITRI Tin Supply Chain Initiative programme suspended the exporting company African Primary Tungsten (APT). According to industry sources, one of the suspended Rwandan mining companies was Semico, which had sold tags to APT that were meant to be used on its concession. That would have allowed APT to illegally tag all or a part of the 70 tons of untagged tungsten ore in its depot in Gikondo, Kigali, when investigators had documented the infraction. According to industry sources, the illegal tagging had been carried out with the complicity of the Geology and Mines Department agent who was supposed to issue tags in the concession. The agent has been suspended. Investigations by the Criminal Investigation Department, to which the case was transferred, should reveal whether the minerals had originated from the APT concessions in Rwanda or elsewhere. Until investigations are concluded, the Department decided to suspend the issuance of tags to APT.

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[31] See http://www.bloomberg.com/news/2012-05-02/congo-clashes-thwart-plans-on-conflict-free-minerals-correct-.html.

[32] See www.newtimes.co.rw/news/index.php?i=14924&a=51028.

149. Apart from APT and Semico, two Rwandan mining companies had been suspended because of their involvement in illegal tagging of 500 kg of tin ore seized in Gisenyi, according to Rwandan authorities with whom the Group consulted during industry conferences. The tags found on the bags were issued for use on one of the companies' concessions in Kirehe district in the eastern province, on the other side of the country. A fourth Rwandan mining company was suspended because it was not operating in its concession. The company suspensions referred to demonstrate the vigilance of Rwandan mining authorities, but are at the same time a strong reminder that irregularities in tagging persist, potentially allowing Congolese minerals to be inserted into the Rwandan system.

150. On 3 November 2011, Rwandan national mining authorities returned over 81 tons of minerals seized along the Congolese border since May 2011 to their provincial counterparts in Goma, North Kivu. The revenues from the sale of the minerals by Congolese authorities were supposed to be invested in mineral traceability efforts in the Kivus, according to Goma-based civil society representatives. According to mines authorities in Goma, 13 tons had been transferred to Bukavu, leaving 68 tons in Goma. The former provincial minister of mines, Naasson Kubuya Ndoole, instructed that the minerals be stored in a depot of a petrol station in Goma called FACAM that belongs to retired Gen. Kamwanya Bora, assuring the national Minister of Mines that material was safely locked away (see annex 48).[33] On 2 December 2011, the Goma mining police followed up on a reported case of theft at the FACAM warehouse. According to mining police authorities, about 25 tons had been missing from the 68 tons stored, while much of the remaining mineral bags had been emptied and replaced with waste product. A remainder of 25 tons had eventually been sold to the export house Metachem. The Group continues to investigate the disappearance of minerals, as well as the allocation of revenues.

International level

151. The Group commented on the regulatory process in section 1502 of the Dodd-Frank Act in a letter it sent to the United States Securities and Exchange Commission on 21 October 2011. It remains convinced that requiring companies to exercise due diligence is effective and that the Dodd-Frank Act has been a critical catalyst for reform. However, the Group has established that market uncertainty resulting from the lengthy delay in the publication of the Commission rules, together with the fear of potential 100 per cent "conflict-free" demands in their reporting obligations, has led most industry actors to pull out of the market in the eastern Democratic Republic of the Congo rather than conduct due diligence on their supply chains. The Group proposes therefore that the Commission incorporate into its guidelines the concept of mitigation contained in the due diligence guidelines of the Group and OECD (see S/2011/738, paras. 398 and 664 (bb)). Mitigation allows companies that purchase from mines where FARDC criminal networks are in operation to continue purchasing provided they have put in place time-bound and publicly available strategies to progressively decrease the involvement and benefit of military actors.

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[33] The Group's final report of 2011 presented evidence that Gen. Bora was involved in trafficking minerals (S/2011/738, para. 504).

152. Several companies, however, including China National Nonferrous Metals, continue to import mineral ore from the eastern Democratic Republic of the Congo according to official statistics from the Division of Mines in North Kivu (see annex 50). Proactive engagement of such companies is important to further motivate suppliers to carry out due diligence, including risk mitigation strategies, on supply chains in the eastern Democratic Republic of the Congo.

153. In a positive, related development, on 23 March 2011, the Ningxia Orient Tantalum Industry Company, which buys tagged tantalum ore from the Great Lakes region, adopted a "procurement policy on the purchase and use of conflict tantalum material", which refers to compliance with United Nations due diligence guidelines and insistence on traceability (see annex 49). The Group welcomes this initiative and looks forward to discussing responsible business engagement in Central Africa further with authorities in China, as well as with other mineral processing companies sourcing from the Great Lakes region.

2. Gold

Democratic Republic of the Congo

154. By paragraph 7 of resolution 2021 (2011), the Security Council encouraged all States, particularly those in the region, to continue to raise awareness of the United Nations Group of Experts due diligence guidelines, in particular in the gold sector as part of broader efforts to mitigate the risk of further financing armed groups and criminal networks within FARDC. This encouragement follows the Group's conclusion in its final report of 2011 that due diligence implementation in the Congolese gold sector has not taken place. Licensed export houses are responsible for only a fraction of total exports. As for the gold they do officially export, it remains difficult to determine the origin because it is generally sold to them without transport authorizations that should be delivered by mining authorities at or near the mine sites.

155. To encourage formal exports of gold, the national Ministry of Mines of the Democratic Republic of the Congo on 14 November 2011 issued a ministerial order, inter alia, lowering the export tax for gold from 3.25 per cent to 1 per cent of the value of exports, bringing it in line with its neighbouring countries.[34] The order also obliges gold export houses to export a minimum of 30 kg of gold per trimester and local traders to sell a minimum of 3 kg of gold to export houses per trimester.

156. Because the foregoing decrees only came into effect at the end of 2011, it is too early to determine whether they have had their intended effect. However, in the eastern Democratic Republic of the Congo official exports seem to be falling rather than increasing. There were no official exports from Bunia and Butembo during the first trimester of 2012 owing to delays in the renewal of export house licences and the lack of financing. In South Kivu, the export house Namukaya officially exported 7 kg in the first trimester, an amount it almost officially exported per month on average in 2011. Only in Goma, North Kivu, were exports in the first trimester of 2012 significantly higher than in 2011. The registered export house AR Gold, officially exported 16 kg of gold compared to 6 kg in all of 2011.

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[34] No. 0459/CAB.MIN/MINES/01/2011 of 14 November 2011.

Regional level

157. According to Congolese gold export house managers, the small volume of official exports can be attributed to the fact that a handful of fraudulent traders in Kampala and Bujumbura have for many years monopolized the Congolese gold trade. Not paying any income or export taxes, these traders are able to offer better prices than official Congolese exporters. In addition, their significant cash flow enables them to pre-finance Congolese suppliers and temporarily offer above-market prices in an attempt to guarantee their loyalty. Congolese gold export house managers told the Group that they simply could not compete.

158. Over the course of repeated mandates, the Group has confirmed that the previous owner of the sanctioned entity Machanga Ltd, in Kampala, Rajendra Kumar, and his brother Vipul Kumar, as well as Bujumbura-based Mutoka Ruganyira, are among the main purchasers of gold smuggled from the eastern Democratic Republic of the Congo (see S/2011/738, paras. 183, 512, 531 and 537). The Group has also established that in addition to local Congolese traders, export house Namukaya supplies above-mentioned traders with a quantity of gold that represents at least 10 times its official exports (see S/2010/596, para. 294, and S/2011/738, para. 512).

International level

159. On the basis of trade statistics, the Group in its final report of 2011 estimated that in 2010 almost 3 tons of fraudulently traded gold from the Democratic Republic of the Congo may have entered the legal supply chain of the United Arab Emirates through Uganda alone (see S/2011/738, para. 553). Several gold smugglers confirmed to the Group that the United Arab Emirates had remained the principal destination of Congolese gold. Awareness and implementation of due diligence on the part of United Arab Emirates-based importers and refiners, as well as strengthened United Arab Emirates customs control, were of critical importance to exclude sanctioned entities and their associates from the country's supply chain and instead engage with credible suppliers in the Democratic Republic of the Congo.

160. The publication of a risk management manual by the Dubai Multi Commodities Centre (DMCC)[35] on 29 April 2012 represents a welcome development in this regard. The purpose of the manual is to assist DMCC-licensed members, as well as other industry participants in the United Arab Emirates, to enforce acceptable standards of due diligence and responsible supply-chain management. The guidance follows the five-step framework for risk-based due diligence proposed by the Group and OECD. The Group particularly welcomes the DMCC outreach to other industry participants in the United Arab Emirates, among which should figure those trading companies that directly import from the Democratic Republic of the Congo or its neighbouring countries. During its present mandate, the Group intends to proactively liaise with DMCC as well as federal authorities to identify United Arab Emirates-based importers of gold from eastern Africa and trace the destination of this gold within the United Arab Emirates and beyond.

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[35] The licensing authority for the Jumeirah Lakes Towers Free Zone.

C. Comprehensive assessment of mining zones

161. By paragraph 5 of resolution 2021 (2011), the Security Council requested the Group of Experts to include in its evaluation of the impact of due diligence a comprehensive assessment on the economic and social development of the relevant mining areas in the Democratic Republic of the Congo. The Group's intention is to provide a balanced picture of positive and negative social and economic impacts, both as a result of the application of United Nations guidelines by individual companies and as a result of the legal requirements of separate Member States, notably under section 1502 of the Dodd-Frank Act.[36]

162. At the mine-site level, the assessment is based on perspectives and experiences of local mining populations, as well as economic and social indicators, such as local prices of minerals and goods, and school enrolment of dependent children. The Group will conduct a series of semi-structured interviews in mining areas, working with small focus groups. To ensure that the field data are representative, the Group has taken several criteria into account when selecting the mining sites to be visited, such as geographic spread and differences in local mining governance. Moreover, the Group will continue to complement and draw upon recent research by humanitarian organizations with expertise in conducting socioeconomic needs assessments of local mining communities.

163. At the provincial level, the assessment includes aggregated data, such as registered mineral production levels and the frequency of cargo flights to interior locations close to mine sites. Flight rotations serve as an important indicator of food and commodities arriving in remote mining areas. The added value of using aggregate data is that it will enable the Group to assess the impact of individual measures, such as the mining suspension and the Dodd-Frank Act, over time. The Group considers that by using a range of subjective and objective indicators, generated data will allow for a comprehensive assessment of social and economic development in mining areas.

Box 7

Economic impact of interrupted mineral trade in Maniema

Despite relative security, the mining sector of Maniema is only very slowly recovering from the 2010 mining suspension and ensuing rapid decrease of international demand for untagged minerals. One issue that has been blocking progress for the province is that of stockpiles. According to ITRI, between 1,000 and 1,500 tons of tin ore produced before the Government's mining ban of September 2010 were not exported within the short time frame between the lifting of the suspension on 10 March 2011 and the export deadline of the conflict-free smelter programme on 1 April 2011.

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[36] The definition of "armed group" in the Dodd-Frank Act can easily be interpreted to include FARDC, in which case its involvement in the supply chain would lead to a not "DRC conflict free" determination. The United Nations Group of Experts due diligence guidelines provide for a six-month mitigation period in case such risk is identified in order to achieve substantial progress towards ending that involvement. Given this interpretation of armed groups, purchasers of minerals from the Democratic Republic of the Congo would be more inclined to entirely disengage from that country when seeking compliance with the Dodd-Frank Act than when seeking compliance with the Group's due diligence guidelines.

In its final report of 2011, the Group recommended that the stocks produced before the mining suspension should be tagged and sold and that part of the proceeds should be used to finance improved verification, traceability and community and environmental initiatives in affected provinces. The Group therefore regrets that, according to a letter sent by the Steering Committee of the International Conference on the Great Lakes Region on 3 April 2012, the stocks were moved untagged out of the province and sold at prices inferior to the Asian market, not generating any financing for local initiatives (see annex 51).

The letter indicated impatience of the stock owners who had long awaited the Electronic Industry Citizenship Coalition/Global Sustainability Initiative (EICC/GeSi) endorsement. Stock owners further explained to the Group that the price export houses pay per kilo is very low even compared to the Kivus because export houses are either required to pay transfer taxes to move minerals from one province to another before export, or, when exporting directly, need to obtain a separate export house licence for Maniema. These extra costs, which come on top of high transportation costs to Goma or Bukavu, are calculated in the price paid for Maniema minerals.

164. On 7 April, the Minister of Mines of the Democratic Republic of the Congo sent a letter to the audit committee of EICC/GeSi expressing his wish that the "mining activity" in Maniema should be restarted, while announcing two validation missions (see annex 52). The Group reiterates that in 2011 it found no evidence suggesting that armed groups or FARDC benefit from the minerals produced and stocked in the territories of Kailo and Pangi. However, around Kasese in the territory of Punia, FARDC Capt. Salung Christophe Nestor continues to systematically extort minerals from the artisanal miners, according to local authorities and traders (see S/2011/738, para. 469).

VII. Violations of international humanitarian and human rights law

165. By resolution 2021 (2011), the Security Council noted with great concern the persistence of human rights abuses and humanitarian law violations against civilians in eastern Democratic Republic of the Congo, including the killing and displacement of significant numbers of civilians, the recruitment and use of child soldiers, and widespread sexual violence, and stressed that the perpetrators must be brought to justice.

166. Civilians continue to suffer abuses from armed groups as well as from Congolese security forces. In some parts of eastern Democratic Republic of the Congo, the situation has further deteriorated, following the recent mutiny and repeated indiscriminate attacks by armed groups against civilians. The common pattern of reprisal attacks by armed groups against civilians perceived as siding with opposite groups persists. As cited in previous reports by the Group, women and children continue to be the prime targets of sexual violence. In some areas, notably

where armed groups are fighting against FARDC, child recruitment by these groups increased. There have been several major incidents throughout eastern Democratic Republic of the Congo of indiscriminate killings of civilians, including women and children, by armed groups and, to a lesser degree, by FARDC, of which the Group will give selected examples below. The violence and the attacks triggered several waves of displacements, resulting in hundreds of thousands of new internally displaced persons in eastern Democratic Republic of the Congo.

A. Patterns and cases of sexual violence

167. United Nations reports have documented an increase in reported cases of sexual violence in eastern Democratic Republic of the Congo, especially in the Kivus, since early 2012. The territories of Lubero, Masisi and Rutshuru were particularly affected. Clashes between armed groups and FARDC as well as the escalation of the mutiny contributed to general instability in the province, although most of the cases documented were committed by civilians. According to United Nations sources, at least 46 women were raped in Ntoto by different armed groups including FDLR during separate incidents in 2012.

168. United Nations reports also indicate that there was a clear increase of the number of cases throughout the first three months of 2012 in South Kivu, in particular in Kalehe territory. Almost half of the victims in the cases reported in the province for early 2012 were minors, the rest being mainly women, although almost 5 per cent of the reported victims were men. There was, however, an important number of cases allegedly committed by the Mai Mai Nyatura and Mai Mai Kirikicho in Kalehe, by FDLR in Kalehe, Shabunda and Kabare and by the Raïa Mutomboki in Shabunda and Kalehe.

169. Impunity for sexual violence continues, including in emblematic cases. In the case of the mass rape in Walikale perpetrated by the NDC-FPLC-FDLR alliance in July and August 2010, there has been little progress in the trial and in the arrest of most of the accused. In early December 2011 the military court for North Kivu decided to relocate the trial where the crimes had taken place in Walikale territory. To date, security concerns have not allowed the court to sit in Walikale and the trial has stalled. In late April 2012 NDC attacked FARDC and the police camps in the village of Luvungi, where most of the 2010 rapes had taken place, and stole the police's equipment.

170. The Group's final report of 2011 documented the cases of sexual violence in Mutongo, Walikale territory, in mid-June 2011 (see S/2011/738, paras. 639-640). Through APCLS sources, the Group learned that "Col." Karara Mukandirwa, found to hold the command responsibility for such crimes, had deserted his unit and had eventually been killed in Pinga in early 2012.

B. Targeting of civilians

171. The Group has received information regarding numerous cases of indiscriminate killings by armed groups, as well as killings by Congolese security forces, of which the cases presented below are selected examples. The Group will endeavour to further examine command responsibility in those violations in its final report.

Killings of civilians by FDLR and Raïa Mutomboki in South Kivu

172. Fighting between the Raïa Mutomboki and FDLR has escalated in 2012. As a result, since the end of 2011, the Raïa Mutomboki have increasingly targeted FDLR dependants, killing, maiming and raping civilians, including women and children, in Shabunda and in Kalehe. The FDLR answer has been one of systematic retaliation against civilians perceived as siding with the Raïa Mutomboki.

173. From 31 December 2011 to 4 January 2012, in the north-east part of Shabunda territory, FDLR attacked several villages, including Lokolya and Luyuyu. A United Nations investigation confirmed that during those attacks, at least 33 persons, including 9 children and 6 women, had been killed, either burned alive, decapitated or shot. The United Nations reported that one woman and one girl had also been raped. The Group received a list of tens of people who had been seriously injured at the time. It also obtained pictures of some of the villages that the FDLR had looted and burned down.

174. According to United Nations sources, FDLR and FARDC had claimed that the January 2012 attack had been in reprisal for violence committed by the Raïa Mutomboki in 2011 against FDLR combatants and their civilian dependants. The cycle of attacks and reprisal attacks had gone unabated since.

175. In South Kivu, FDLR has continued to kill, rape and loot, not only in Shabunda territory, but also in Kalehe and Kabare territories. A United Nations investigation confirmed that on the night of 4 to 5 May 2012, FDLR had massacred at least 14 civilians, including 5 women and 5 children, in Lumendje, near Bunyakiri, Kalehe territory. FDLR also killed at least 20 civilians on 14 May, in Kamananga, near Bunyakiri, in Kalehe territory. According to United Nations sources, both massacres were carried out in retaliation for Raïa Mutomboki massacres of FDLR dependants, including near Ekingi, in Kalehe territory, in March 2012. Soon after the killings in Kamananga, MONUSCO troops based nearby were targeted and shot at during a demonstration, allegedly by Raïa Mutomboki members, with several injured.

Alleged massacre in Makama, Fizi territory, by troops of the 105th regiment

176. The Group received information from a range of sources regarding a massacre committed by troops from Col. Nsabimana's 105th regiment in Makama, a gold mining area in Fizi territory, on the night of 5 February 2012. The Group subsequently received from a FARDC source a list of 20 persons, including 7 women, who had reportedly been killed in Makama.

C. Internal displacement

177. In May 2012 the United Nations Office for the Coordination of Humanitarian Affairs reported a dramatic increase in internally displaced persons in the Democratic Republic of the Congo, crossing the 2 million mark for the first time since July 2009. Most new displacements took place in eastern Democratic Republic of the Congo and were triggered by violence on the part of armed groups in both Kivus, in Orientale province and in Katanga as well as ongoing military operations against these armed groups. The largest increase in internally displaced persons was registered in South Kivu, where they now number 856,000 according to the Office

for the Coordination of Humanitarian Affairs, with more than a third in the territory of Kalehe alone. In North Kivu, the Office of the United Nations High Commissioner for Refugees (UNHCR) registered 15,000 new internally displaced persons near Goma by the end of April. In May UNHCR reported that 8,000 Congolese had crossed the border in Gisenyi into Rwanda and that 30,000 had sought refuge in Uganda.

D. Obstruction of the access to or the distribution of humanitarian assistance

178. In its final report of 2011, the Group concluded that despite a rising number of security incidents affecting humanitarian operations, there was no evidence of intent on the part of individuals to systematically prevent the distribution of humanitarian assistance. During the current mandate, the Group intends to revisit this question, in close consultation with humanitarian agencies and local authorities, as appropriate, and pursuant to paragraph 4 (f) of resolution 1857 (2008). General rising insecurity in early 2012 has negatively impacted humanitarian operations, restricting humanitarian access in several areas of eastern Democratic Republic of the Congo, notably in North Kivu and South Kivu. During the ex-CNDP mutiny in Masisi territory, the Group received reports that the mutineers associated with Erasto Ntibaturana had forcefully vacated the camp for internally displaced persons in Nyange, thereby depriving thousands of humanitarian assistance. The Group will continue investigating this case in order to determine full command responsibility for such an operation.

E. Recruitment and use of children in armed conflict

179. Pursuant to paragraphs 4 (d) and (e) of resolution 1857 (2008), the Group will continue to monitor recruitment trends and to research and document case studies involving command responsibility for the recruitment and use of children in violation of applicable international law. The Group will focus on the most systematic recruiters.

180. Calls to tackle impunity for the use and recruitment of child soldiers were answered in part by a landmark judgment on 14 March 2012, delivered at the International Criminal Court in The Hague. International Criminal Court judges convicted Thomas Lubanga Dyilo[37] for the war crimes of conscripting and enlisting children under the age of 15 into FPLC during the 2002-2003 armed conflict in Ituri district and using them to participate in hostilities. While the judges have yet to deliver the sentence, the judgment mentioned several of Mr. Dyilo's alleged co-perpetrators, including Gen. Bosco Ntaganda, as "generally responsible for recruitment and training, which included girls and boys under the age of 15". The verdict triggered further calls for the arrest and transfer to the International Criminal Court of Gen. Ntaganda, who is charged with the same war crimes as Mr. Dyilo.

181. In an effort to identify flagrant child recruiters still active in the Democratic Republic of the Congo, the Group has conducted interviews with former child combatants, their parents and civil society organizations, and has cooperated with

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[37] Designated by the Sanctions Committee for targeted sanctions on 1 November 2005.

United Nations-led protections clusters. It has begun investigating cases of child soldier recruitment by militia groups in South Kivu, North Kivu and Orientale province. The Group is undertaking investigations to identify individuals under whose command and control the recruitment is taking place. Former child soldiers in South Kivu and North Kivu explained to the Group the two categories of recruitment. The first comprises children who remain with the armed groups on a full-time basis, while the second comprises children who spend the morning with their families or in school, only to pick up their weapons in the afternoon and join their respective armed groups with the consent of their parents or guardians. Parents interviewed in Shabunda saw nothing wrong, as one explained, "offering our boys guaranteed stronger protection by Raïa Mutomboki against the marauding FDLR elements that raid our livestock".

182. The Group received information from intelligence sources in FARDC and from civil society, former child soldiers and local leaders in Bukavu and Uvira that the most notorious recruiters of child soldiers included Mai Mai Yakutumba (in Fizi and Ubwari), Mai Mai Mbwasakala (from Swima and Tobolo), Mai Mai Mutomboki (from Shabunda), Mai Mai Shombo/Mupongwe (in Marungu), Mai Mai Tawimbi (from Bijombo), Mai Mai Mpenkenyo and Mai Mai Kapopo.

183. Humanitarian organizations, FARDC sources and civil society organizations in Shabunda territory informed the Group that the rate at which children were being recruited had risen substantially. While in February 2012 there had been 312 reported cases, the figure had risen to 746 children in April. The most notorious child-recruiting group in Shabunda was Raïa Mutomboki.

184. The children interviewed by the Group confirmed that they had been forcefully recruited by the agents of those Mai Mai groups under direct instructions from commanders. A number of the children, in their bid to escape, had surrendered to FARDC. Several children cited Col. Sammy Matumo of the 112th regiment of FARDC for forcefully conscripting them after surrendering from armed groups. When the regimentation process had begun in early 2011, the children had been demobilized.

185. Finally, the Group has confirmed reports that M23 commanders in North Kivu extensively recruited children as porters and combatants throughout April and May 2012. The Group will continue to investigate this recruitment wave further during the remainder of its mandate.

VIII. Recommendations

186. The Group of Experts makes the following recommendations:

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

(a) The Committee should update its list of individuals and entities designated for targeted sanctions on the basis of information to be provided by the current Group of Experts;

(b) The Council should strongly condemn the recruitment of children by all armed groups, including by M23, and the Committee should consider for sanctions any individual involved;

United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

(c) MONUSCO should act swiftly and proactively to seize private arms caches belonging to former armed groups and FARDC officers, and work with the Group of Experts to trace the origins of those weapons and ammunition;

(d) MONUSCO should share with the Group of Experts documents and information gathered and produced by the Mission which are relevant to the Group's mandate, without further delay;

Member States

(e) Member States importing natural resources, including gold, tin, tantalum, tungsten and timber, from the Democratic Republic of the Congo and "red flag" locations[38] should regularly publish import and export statistics, and assist the Group in identifying and engaging with importers regarding their due diligence conduct;

(f) The Securities and Exchange Commission of the United States of America should publish its implementing regulations without further delay and incorporate the concept of mitigation contained in the due diligence guidelines of the United Nations Group of Experts and OECD;

Government of the Democratic Republic of the Congo

(g) Congolese mining and police authorities should organize new mixed validation missions to the mine sites surrounding the *centre de négoce* of Rubaya and to the mine site of Nyabibwe, as well as to key mining zones in Maniema and around the *centres de négoce* of Isange/Ndjingala and Itebero as soon as the security situation allows;

(h) Mine site validation missions should be repeated every three months, as indicated in the terms of reference issued by the Ministry of Mines, which should be respected for validation missions in Maniema;

(i) The Ministry of Mines should transform its *note circulaire* into a ministerial order while retaining the current due diligence requirements and deadlines for mining operators;

(j) The Government should publish its policy on seized minerals returned from neighbouring countries and should consider putting any profits from their sale in a special fund that invests in the promotion of traceable and sustainable supply chains;

(k) The Government should make a clear commitment to, and donors should financially and technically support, the relaunch of a national disarmament, demobilization and reintegration programme for Congolese armed groups that offers meaningful alternatives to integration into FARDC;

(l) FARDC should undertake progressive redeployment of former armed groups to other provinces;

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[38] "Red flag" locations here means the eastern part of the Democratic Republic of the Congo and other countries in the region through which minerals from that area are known to transit, including Burundi, Kenya, Rwanda, the Sudan, Uganda and the United Republic of Tanzania.

(m) To prepare officers integrated into FARDC from armed groups, the Government of the Democratic Republic of the Congo should offer specific and adapted induction training and refresher courses before deploying FARDC units among civilian populations or in combat zones;

(n) The Military Prosecutor's office should continue investigating and prosecuting all military personnel, regardless of previous armed group affiliations, who are suspected of committing crimes under Congolese law, undermining reform efforts, or supporting armed groups;

(o) FARDC should act swiftly and proactively to seize private arms caches belonging to former armed groups and FARDC officers, and work with the Group of Experts to trace the origins of those weapons and ammunition;

Companies

(p) International buyers, processors and consumers of minerals should support the progressive demilitarization of the mining sector in eastern Democratic Republic of the Congo by remaining engaged in the Democratic Republic of the Congo and regional markets while implementing supply chain due diligence.

Annex 1

Sanctions criteria pursuant to Security Council resolution 1807 (2008)

1. Individuals or entities acting in violation of the arms embargo by supplying, selling or transferring arms or related materiel, military or financial advice, training or assistance to (non-governmental) armed groups operating in the Democratic Republic of the Congo;

2. Political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and voluntary repatriation or resettlement of combatants belonging to those groups;

3. Political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo who impede the participation of their combatants in disarmament, demobilization and reintegration processes;

4. Political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law;

5. Individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement;

6. Individuals obstructing access to or distribution of humanitarian assistance in the eastern part of the Democratic Republic of the Congo;

7. Individuals or entities supporting illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade of natural resources.

Annex 2

Current list of individuals and entities designated for targeted sanctions by the Security Council Committee established putsuant to resolution 1533 (2004)[a]

Individuals

1. BWAMBALE, Frank Kakolele (alias: Kakorere)
2. DYILO, Thomas Lubanga
3. IYAMUREMYE, Gaston (alias: Rumuli, BYIRINGIRO, Michel)
4. KAKAVU BUKWANDE, Jérôme
5. KATANGA, Germain
6. MANDRO, Khawa Panga (alias: Kawa, Yves Andoul Karim)
7. MBARUSHIMANA, Callixte
8. MPAMO, Iruta Douglas
9. MUDACUMURA, Sylvestre
10. MUGARAGU, Leodomir (alias: Manzi Leon)
11. MUJYAMBERE, Leon (alias: Musenyeri, Achille, Frère Petrus Ibrahim)
12. MURWANSHYAKA, Dr. Ignace
13. MUSONI, Straton
14. MUTEBUTSI, Jules
15. NGUDJOLO, Chui
16. NJABU, Floribert
17. NKUNDA, Laurent (alias: Mihigo, Batware)
18. NTABERI, Sheka Ntabo
19. NSANZUBUKIRE, Félicien (alias: Fred Irakeza)
20. NTAWUNGUKA, Pacifique (alias: Omega, Nzeri, Israel, Ntwangulu)
21. NYAKUNI, James
22. NZEYIMANA, Stanislas (alias: Deogratius Bigaruka Izabayo, Jules Mateso Mlamba)
23. OZIA MAZIO, Dieudonné
24. TAGANDA, Bosco
25. ZIMURINDA, Innocent

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[a] The complete list, with identifying information and justifications for designation, is available from www.un.org/sc/committees/1533/pdf/1533_list.pdf.

Entities

1. **Butembo Airlines**
2. **Congocom Trading House**
3. **Compagnie Aérienne des Grands Lacs (CAGL) — Great Lakes Business Company (GLBC)**
4. **Machanga Ltd**
5. **Tous pour la paix et le développement (TPD)**
6. **Uganda Commerical Impex (UCI) Ltd**

Annex 3

Updates on selected sanctioned individuals and entities

Individuals

Frank Kakolele Bwambale

Frank Kakolele Bwambale campaigned for President Kabila in Beni and Butembo territories in November 2011.

Thomas Lubanga Dyilo

On 14 March 2012, the International Criminal Court in The Hague convicted Thomas Lubanga Dyilo for the war crimes of conscripting and enlisting children under the age of 15 into the Forces patriotiques pour la libération du Congo (FPLC) during the 2002-2003 armed conflict in Ituri district and using them to participate in hostilities. Sentencing has yet to be completed.

"General" Gaston "Rumuli" Iyamuremye

"General" Iyamuremye was replaced as the interim President of the Forces démocratiques de libération du Rwanda (FDLR) and will return to his previous position as Vice-President.

Callixte Mbarushimana

The International Criminal Court dropped charges against Callixte Mbarushimana, the former Executive Secretary of FDLR, in December 2011 and he subsequently returned to France. He claims he no longer maintains ties to FDLR.

"General" Sylvestre Mudacumura

"General" Mudacumura became the President of FDLR, permanently replacing Ignace Murwanashyaka and giving up the military command of the rebel movement.

"General" Leodomir Mugaragu

"General" Mugaragu was killed in an attack in which the Congolese armed group, Front pour la défense du Congo (FDC), participated on 12 January 2012.

"Colonel" Léon Mujyambere

"Colonel" Mujyambere was appointed FDLR-FOCA (Forces combattantes Abacunguzi) Chief of Staff in order to replace the deceased General Mugaragu.

Jamil Mukulu

Jamil Mukulu's residence in Nairobi was raided in August 2011. Several reports claimed he had returned to Beni territory and had recently been with the Allied Democratic Forces (ADF) rebels on the ground.

Ignace Murwanashyaka

Court proceedings for the former FDLR president are ongoing in Germany.

Straton Musoni

Court proceedings for the former FDLP vice-president are ongoing in Germany.

"General" Sheka Ntabo Ntaberi

"General" Ntaberi was an official candidate for National Deputy, but was not elected in November 2011. He ruptured his close alliance with FDLR by killing Montana battalion Commander Evariste Karenguhera on 20 November 2011. Since mid-2011, he has become a close ally of General Bosco Ntaganda and has supported the ex-CNDP mutiny in coordinated attacks on FARDC in Walikale, including the killing of Colonels Chuma and PiliPili on 17 April 2012.

General Bosco Ntaganda

General Ntaganda has defected from the Forces armées de la République démocratique du Congo (FARDC) since mid-April 2012 and has orchestrated a mutiny against the army leadership. Owing to his flight from Masisi to Rutshuru territories, he has lost some revenue from previous rackets, such as wood and charcoal production. However, he still has 345 cows in Ngungu, southern Masisi, and at least 200 in Kagundu and 300 in Bunyoli, central Masisi. Based on estimates from local cattle herders, General Ntaganda's cows produce $1,690 worth of milk per day, calculated on the lowest price on local markets in Masisi. Based on this calculation, the Group estimates that General Ntaganda earns at least $50,700 per month from his cattle.

"General" Stanislas "Bigaruka" Nzeyimana

"General" Nzeyimana has been promoted from Deputy FDLR Commander, to replace "General" Mudacumura as the Commander of the FDLR military forces.

Colonel Innocent Zimurinda

Colonel Zimurinda also defected from FARDC and joined the ex-CNDP mutiny, first in Masisi and currently in Rutshuru, under the command of Colonel Makenga. Although he too has lost revenue from charcoal and wood production, Colonel Zimurinda still has 80 cows in Mokoto, 45 in Rujebeshe and 35 in Kasake. The Group estimates that he earns at least $6,000 per month from milk produced by his cows.

Entities

Machanga Ltd

The owner of Machanga Ltd, Rajendra Kumar, continues to be one of the most prominent gold buyers in the Great Lakes region, sourcing largely from areas affected by the presence of armed groups and criminal networks, without conducting due diligence.

Tous pour la paix et le développement

The leaders of Tous pour la paix et le développement continue to be very involved politically in North Kivu province, many belonging to Eugene Serefuli's recently established party Union des Congolais pour le progrès (UCP). However, they have not supported the ex-CNDP (Congrés national pour la défense du peuple) mutiny.

Uganda Commercial Impex (UCI) Ltd

The owners of UCI, Lodhia, continue to purchase gold from the Beni and Butembo territories as well as Ituri district.

Annex 4

Additional information concerning the methodology of the Group of Experts

While the Group wishes to be as transparent as possible in the descriptions of its sources, in situations where specific details would expose individuals or lead to potential safety and security risks, it withholds identifying information and places the relevant evidence in United Nations archives, together with other relevant documents.

The Group also benefits from cooperation from local civil society actors and international non-governmental organizations that have provided it with leads for further investigation and facilitated access to credible sources of information. For the purposes of confidential support to its investigations, or for inquiries about the Group's mandate and methodology, the Group retains the following e-mail address: goedrc@un.org.

In its interim and final reports the Group does not include any claims unsubstantiated by the above-mentioned standards, other than to present official positions, statements and/or responses from concerned individuals. Where applicable and possible, however, the Group seeks to address unfounded allegations regarding the provision of military, financial or political support to armed groups.

The Group is equally committed to impartiality and fairness, and will endeavour to make available to all relevant parties, if appropriate and possible, any information about actions for which those parties may be cited, for their review and response within a specified deadline. To further uphold the right of reply, the Group is committed to annexing to its reports brief rebuttals, with a summary and assessment of their credibility, and to make any appropriate amendments regarding assertions published in earlier reports, in consultation with previous Groups of Experts, where possible.

Nevertheless, the Group is not a judicial mechanism or an intelligence service and does not dispose of the financial resources, technical assets, or legal power to subpoena information which, in a number of Member States, is protected by privacy laws. The Group relies upon the cooperation from Member States to support its investigations by providing the Group, pursuant to paragraph 16 of Security Council resolution 2021 (2011), with "unhindered and immediate access to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate". Though the Group does not benefit from a favourable response rate to its written inquiries for concrete evidence from Member States, it remains grateful to those Member States which have conducted thorough inquiries into individuals and issues raised by the Group, including such cooperation recently extended by Norway. The Group encourages Member States to provide information on international and regional networks with potential links to armed groups in the Democratic Republic of the Congo, unprompted by the Group's inquiries, and to consider taking action bilaterally or regionally on the recommendations contained in the Group's reports.

To this end, the Group has already met representatives of the United States of America, China, France, the United Kingdom of Great Britain and Northern Ireland, South Africa, Germany, Belgium, Colombia, Portugal, Azerbaijan, India, Pakistan, Norway, the Netherlands, Togo, Uganda, Rwanda, Burundi, the United Republic of Tanzania and Kenya. The Group is also in close contact with representatives of European Union and the International Conference on the Great Lakes Region. The Group's cooperation with the International Criminal Police Organization (Interpol) has been solidified in the agreement of the Committee, in cooperation with Interpol, to publish joint United Nations-Interpol special notices for individuals and entities currently included in the sanctions list.

Pursuant to paragraph 17 of resolution 2021 (2011), the Group has exchanged communication and cooperation with the members of the Group of Experts on Côte d'Ivoire and the Panel of Experts on Liberia, with particular attention to the illicit trade in gold via common trafficking networks and the Group's due diligence guidelines. It has also established cooperation with the Monitoring Group on Somalia and Eritrea, re-established by Security Council resolution 2002 (2011) regarding the illicit gold trade and in relation to recruitment networks in East Africa, which may include cooperation between Al-Shabaab in Somalia and the Allied Democratic Forces present in North Kivu territory of the Democratic Republic of the Congo.

With regard to the above-mentioned comprehensive assessment of social and economic development in relevant mining zones, following extensive consultations with Security Council members, the Group has adopted a qualitative methodology based upon economic indicators from principal mining zones.

The Group is committed to building strong cooperation with the Government of the Democratic Republic of the Congo and has not only met with senior Government officials, including from the military, intelligence services and presidential security advisers in Kinshasa, but also with numerous provincial and local authorities in North Kivu, South Kivu, Katanga and Orientale province. In light of the recent formation of the Government's new cabinet on 29 April 2012, the Group intends to swiftly establish communications and lines of cooperation with relevant ministries.

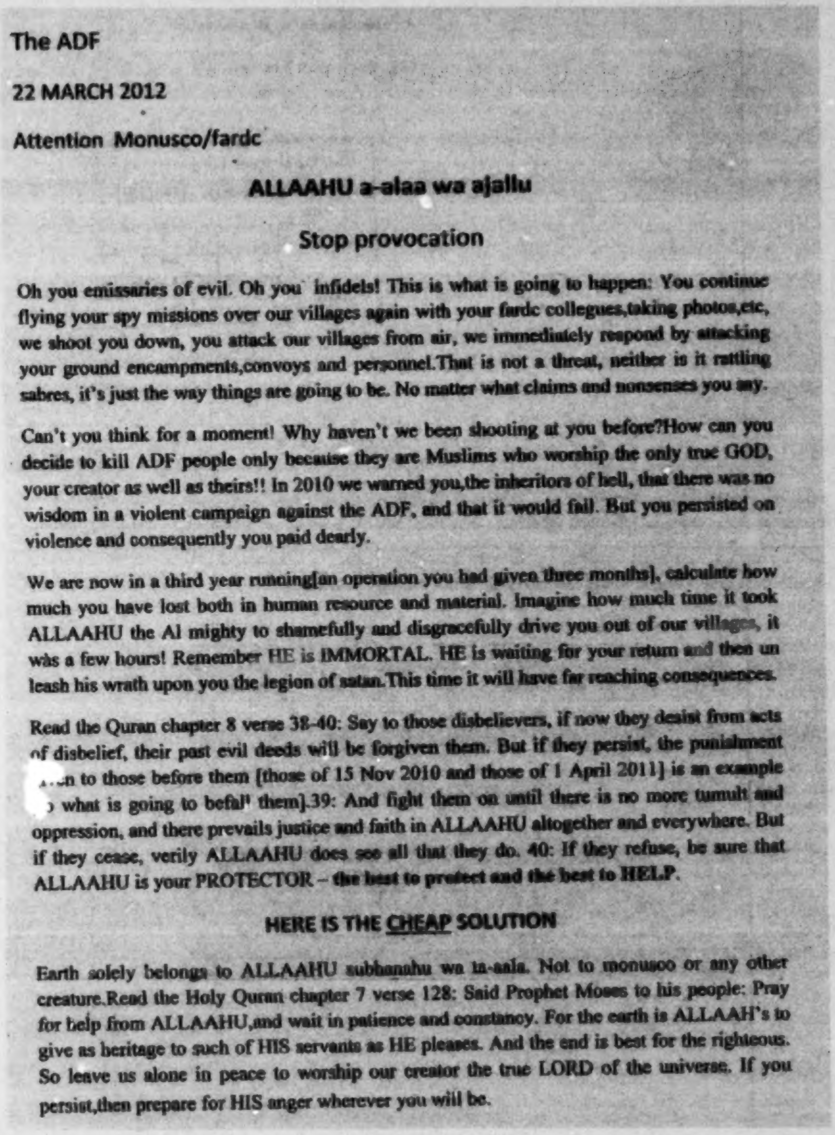
With regard to its mandate on violations of international humanitarian law, the Group has established cooperative links with the Offices of the Special Representatives of the Secretary-General for Children and Armed Conflict and on Sexual Violence in Conflict. The Group is committed to exchanging information with both Offices, through the Committee, in the identification of military and armed group commanders who fulfil sanctions criteria.

Annex 5

ADF combatants killed in an attempted jailbreak of rebel leaders in Beni territory

Annex 6

ADF letter threatening MONUSCO and FARDC during joint operations against the rebels



The ADF

22 MARCH 2012

Attention Monusco/fardc

ALLAAHU a-alaa wa ajallu

Stop provocation

Oh you emissaries of evil. Oh you infidels! This is what is going to happen: You continue flying your spy missions over our villages again with your fardc collegues,taking photos,etc, we shoot you down, you attack our villages from air, we immediately respond by attacking your ground encampments,convoys and personnel.That is not a threat, neither is it rattling sabres, it's just the way things are going to be. No matter what claims and nonsenses you say.

Can't you think for a moment! Why haven't we been shooting at you before?How can you decide to kill ADF people only because they are Muslims who worship the only true GOD, your creator as well as theirs!! In 2010 we warned you,the inheritors of hell, that there was no wisdom in a violent campeign against the ADF, and that it would fail. But you persisted on violence and consequently you paid dearly.

We are now in a third year running[an operation you had given three months], calculate how much you have lost both in human resource and material. Imagine how much time it took ALLAAHU the Al mighty to shamefully and disgracefully drive you out of our villages, it was a few hours! Remember HE is IMMORTAL. HE is waiting for your return and then un leash his wrath upon you the legion of satan.This time it will have far reaching consequences.

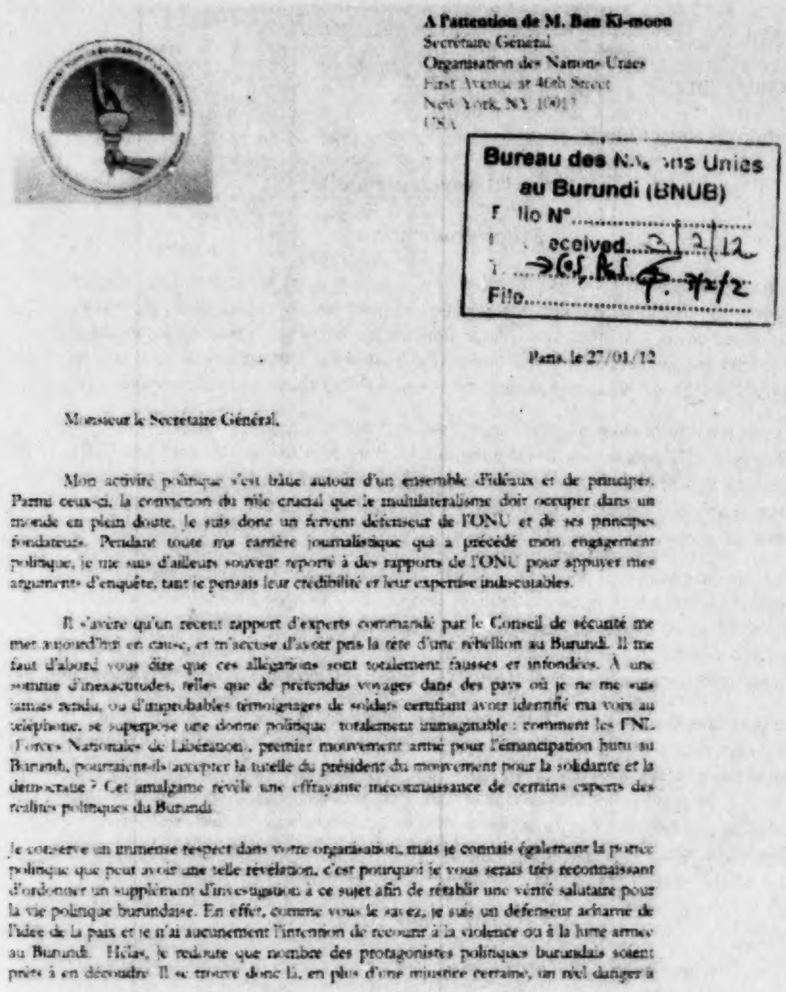
Read the Quran chapter 8 verse 38-40: Say to those disbelievers, if now they desist from acts of disbelief, their past evil deeds will be forgiven them. But if they persist, the punishment given to those before them [those of 15 Nov 2010 and those of 1 April 2011] is an example to what is going to befall them].39: And fight them on until there is no more tumult and oppression, and there prevails justice and faith in ALLAAHU altogether and everywhere. But if they cease, verily ALLAAHU does see all that they do. 40: If they refuse, be sure that ALLAAHU is your PROTECTOR – the best to protect and the best to HELP.

HERE IS THE CHEAP SOLUTION

Earth solely belongs to ALLAAHU subhanahu wa ta-aala. Not to monusco or any other creature.Read the Holy Quran chapter 7 verse 128: Said Prophet Moses to his people: Pray for help from ALLAAHU,and wait in patience and constancy. For the earth is ALLAAH's to give as heritage to such of HIS servants as HE pleases. And the end is best for the righteous. So leave us alone in peace to worship our creator the true LORD of the universe. If you persist,then prepare for HIS anger wherever you will be.

Annex 7

Letter from Alexis Sinduhije addressed to the Secretary-General of the United Nations



A l'attention de M. Ban Ki-moon
Secrétaire Général
Organisation des Nations Unies
First Avenue at 46th Street
New York, NY 10017
USA

Bureau des N ns Unies
au Burundi (BNUB)
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Paris, le 27/01/12

Monsieur le Secrétaire Général,

Mon activité politique s'est bâtie autour d'un ensemble d'idéaux et de principes. Parmi ceux-ci, la conviction du rôle crucial que le multilatéralisme doit occuper dans un monde en plein doute. Je suis donc un fervent défenseur de l'ONU et de ses principes fondateurs. Pendant toute ma carrière journalistique qui a précédé mon engagement politique, je me suis d'ailleurs souvent reporté à des rapports de l'ONU pour appuyer mes arguments d'enquête, tant je pensais leur crédibilité et leur expertise indiscutables.

Il s'avère qu'un récent rapport d'experts commandé par le Conseil de sécurité me met aujourd'hui en cause, et m'accuse d'avoir pris la tête d'une rébellion au Burundi. Il me faut d'abord vous dire que ces allégations sont totalement fausses et infondées. À une somme d'inexactitudes, telles que de prétendus voyages dans des pays où je ne me suis jamais rendu, ou d'improbables témoignages de soldats certifiant avoir identifié ma voix au téléphone, se superpose une donne politique totalement inimaginable : comment les FNL (Forces Nationales de Libération), premier mouvement armé pour l'émancipation hutu au Burundi, pourraient-ils accepter la tutelle du président du mouvement pour la solidarité et la démocratie ? Cet amalgame révèle une effrayante méconnaissance de certains experts des réalités politiques du Burundi.

Je conserve un immense respect dans votre organisation, mais je connais également la portée politique que peut avoir une telle révélation, c'est pourquoi je vous serais très reconnaissant d'ordonner un supplément d'investigation à ce sujet afin de rétablir une vérité salutaire pour la vie politique burundaise. En effet, comme vous le savez, je suis un défenseur acharné de l'idée de la paix et je n'ai aucunement l'intention de recourir à la violence ou à la lutte armée au Burundi. Hélas, je redoute que nombre des protagonistes politiques burundais soient prêts à en découdre. Il se trouve donc là, en plus d'une injustice certaine, un réel danger à m'accuser ainsi en ciblant l'alternative démocratique dont je suis l'un des rares défenseurs burundais.

Monsieur le Secrétaire Général, comme vous le savez, les libertés fondamentales sont bafouées quotidiennement dans mon pays, le Burundi. L'exercice de l'opposition y est impossible, ce pourquoi je me trouve contraint à l'exil. Toutefois, un mince espoir de solution démocratique demeure si une partie du débat reste portée par des partis comme le mien, résolument opposé à tout recours à la violence. C'est donc un vrai enjeu national que de rétablir la vérité à mon encontre et de mettre un terme à toutes sortes de rumeurs aptes à me déconsidérer.

Je suis parfaitement convaincu de votre souci de loyauté et de justice, et des grands enjeux qui peuvent en dépendre. C'est pourquoi j'ai confiance en votre compréhension, et ne doute pas un instant que vous saurez corriger les malheureuses erreurs de ce rapport et me rétablir dans mon intégrité.

Avec mes respects.

Alexis Sinduhije

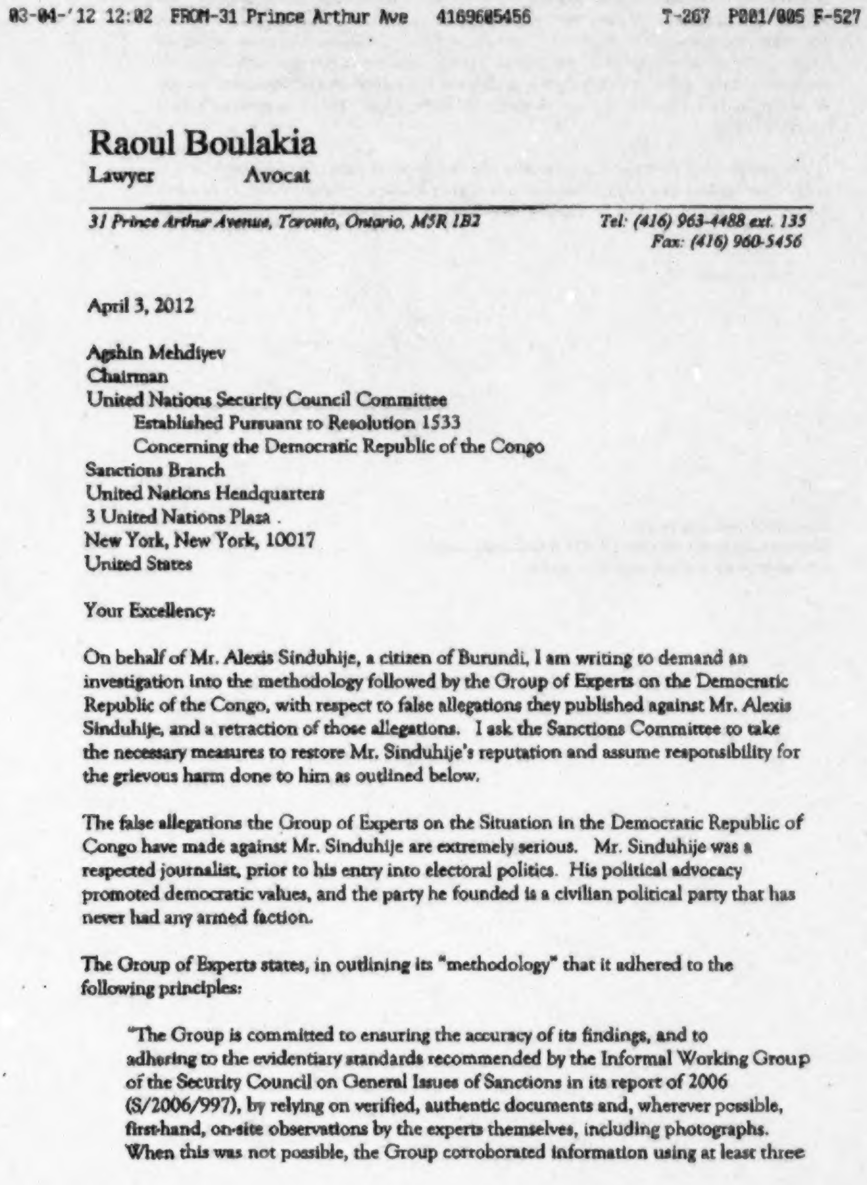
Président du Mouvement pour la Solidarité et la Démocratie (MSD)

CPI

Conseil de Sécurité (tous)
Membres du panel d'experts sur la R.D.Congo (tous)
Ambassadeurs accrédités à Bujumbura.

Annex 8

Letter from Raoul Boulakia, the lawyer for Alexis Sinduhije



03-04-'12 12:02 FROM-31 Prince Arthur Ave 4169605456 T-267 P001/005 F-527

Raoul Boulakia
Lawyer **Avocat**

31 Prince Arthur Avenue, Toronto, Ontario, M5R 1B2
Tel: (416) 963-4488 ext. 135
Fax: (416) 960-5456

April 3, 2012

Agshin Mehdiyev
Chairman
United Nations Security Council Committee
Established Pursuant to Resolution 1533
Concerning the Democratic Republic of the Congo
Sanctions Branch
United Nations Headquarters
3 United Nations Plaza .
New York, New York, 10017
United States

Your Excellency:

On behalf of Mr. Alexis Sinduhije, a citizen of Burundi, I am writing to demand an investigation into the methodology followed by the Group of Experts on the Democratic Republic of the Congo, with respect to false allegations they published against Mr. Alexis Sinduhije, and a retraction of those allegations. I ask the Sanctions Committee to take the necessary measures to restore Mr. Sinduhije's reputation and assume responsibility for the grievous harm done to him as outlined below.

The false allegations the Group of Experts on the Situation in the Democratic Republic of Congo have made against Mr. Sinduhije are extremely serious. Mr. Sinduhije was a respected journalist, prior to his entry into electoral politics. His political advocacy promoted democratic values, and the party he founded is a civilian political party that has never had any armed faction.

The Group of Experts states, in outlining its "methodology" that it adhered to the following principles:

> "The Group is committed to ensuring the accuracy of its findings, and to adhering to the evidentiary standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its report of 2006 (S/2006/997), by relying on verified, authentic documents and, wherever possible, first-hand, on-site observations by the experts themselves, including photographs. When this was not possible, the Group corroborated information using at least three

> sources assessed to be independent of one another, credible and reliable, placing a higher value on statements by principal actors and first-hand witnesses to events. While the Group wishes to be as transparent as possible, in situations in which the identification of sources would expose them or others to unacceptable safety risks, it has withheld identifying information and placed the relevant evidence in United Nations archives, along with other relevant documents.
>
> In the interest of impartiality and fairness, the Group has endeavoured to make available to relevant parties, where appropriate and possible, any information about actions for which those parties could be cited, for their review, comment and response within a specified deadline. In order to further uphold the principle of the right of reply, and in the interest of accuracy, the Group stated in its interim report of June 2011 (S/2011/345) its readiness to annex to its reports brief rebuttals, with a summary and assessment of their credibility, and to make any necessary amendments regarding assertions already published in earlier reports."

However it is clear the Group of Experts did not adhere to these standards. The two sources relied on against Mr. Sinduhije were certainly not "credible and reliable" and both hold a self-evident political hostility to Mr. Sinduhije. Reliance on some number of individual FNL agents does not amount to verification with sources "independent" of one another, as the FNL is a hierarchical political-military group. Likewise reliance on more than one individual in the CNDD-FDD regime does not convert the government into more than one source.

Contrary to their stated methodology the Group of Experts relied on inherently suspect sources, without critically discussing the extent to which those sources could be unreliable. Both the FNL and CNDD-FDD were armed movements that took part in ethnically motivated killings in Burundi. While the CNDD-FDD later became the government of Burundi, it has engaged in continuing human rights abuses and repression of political dissent. The director of its intelligence service (the Service de National de Renseignement) has repeatedly been accused of severe abuses. It is misleading to treat its intelligence agency as a reliable source, without any acknowledgment of its role in political repression or of the CNDD-FDD's history.

The FNL for its part has a long history of armed conflict with the government, which has recently resumed. Neither faction can be treated as a reliable source of information about a civilian journalist and politician they are in disagreement with. It is incredible that these sources were relied on uncritically, with no other corroboration, by the authors of the report. The authors of the report do not even mention the possibility of deliberate misinformation.

The experts on the Congo nevertheless have published false allegations that Mr. Sinduhije had become a "key leader" of the FNL (an armed political movement). The experts allege that the FNL ended this when he insisted he was their "supreme commander", and that

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democracy in Burundi. In turn, playing into the propaganda of groups with a real history of violent conflict does nothing to promote peace and stability in the D.R. Congo, which is the mission of your committee.

The Group of Experts has published false allegations against Mr. Sinduhije without due consideration to the damage to his professional reputation, and without consideration of the risk of physical harm they caused to this individual civilian.

We request that you correct this calumny as soon as possible.

Yours truly,

Raoul Boulakia

cc.

Permanent Mission of the Republic of Azerbaijan to the United Nations, 866 United Nations Plaza, Suite 560, 48th Street and 1st Avenue, New York, NY, 10017; by fax: 1-212-371-2784

David Biggs, Secretary, Security Council Committees established pursuant to resolution 1521 (2003) concerning Liberia, resolution 1533 (2004) concerning the Democratic Republic of the Congo, and resolution 1572 (2004) concerning Cote d'Ivoire; Secretary, Security Council Working Group on Children and Armed Conflict; Senior Political Affairs Officer Security Council Subsidiary Organs Branch SCSOB/SCAD/DPA; United Nations; 1 UN Plaza; TB-08041A; New York, NY 10017; by fax: 1 212-963-1300

Annex 9

Response of the Group of Experts to the letters above concerning its findings on the involvement of Alexis Sinduhije in armed rebellion

13 June 2012

Dear Mr. Boulakia,

Thank you for your correspondence dated 3 April 2012 concerning the Group's findings included in its 2011 final report (S/2011/738). As stated in its interim report of June 2011 (S/2011/345), the Group is committed to annexing to subsequent reports any rebuttals to its findings. Consequently, you will find your letter included as annex 8 of the Group's 2012 interim report, which to my understanding will be issued as S/2012/348.

The Group's present response fulfills its commitment to thoroughly address your stated concerns and "make any necessary amendments regarding assertions already published in earlier reports."

1) ***The right of reply of Mr. Sinduhije to the Group's findings:***

In your letter, you stated that Mr. Sinduhije was given no indication "that allegations against him were being considered" and that "He would have no reason to suspect that a person serving a committee related to the Congo, making such a generic enquiry, would be holding secret that his motivation was that he was considering publishing defamatory allegations about a civilian Burundian citizen."

In relation to this assertions, the Group wishes to clarify the following:

In light of its previous experience, when seeking to engage with an individual who is the subject of its investigations, the Group often does not include in e-mail correspondence details of its findings, preferring rather to share them in person. The Group has found that including such information in an e-mail correspondence or by telephone can often incite caution and hesitation and thereby decreases the chances of obtaining such a meeting.

In addition to its 15 August 2011 communication, the Group sent two other e-mails to Mr. Sinduhije over the course of its mandate. However, on the previous two occasions, Mr. Sinduhije said he was too busy to meet with members of the Group, while claiming to be in Toulouse. However, according to several sources close to Mr. Sinduhije, during those times, he was traveling throughout Africa.

Mr. Raoul Boulakia
31 Prince Arthur Avenue,
Toronto, Ontario M5R 1 [illegible]2
Canada

Furthermore, the Group requested that several individuals in consistent communication with Mr. Sinduhije arrange a meeting between him and the Group. These individuals were aware of the findings of the Group's investigations and corroborated many details regarding Sinduhije's activities in relation to armed groups. When informed that this information would be made public, one source was in fact in favour of this, as he said it would force Sinduhije to declare openly his armed rebellion against the Government of Burundi. This source subsequently confirmed that he spoke personally with Sinduhije about the possibility of meeting with Group at the end of August 2011 and explained to him what would likely be contained in the Group's 2011 final report. The source proposed Kampala as a potential location for this meeting, but was unable to follow-up for any confirmation. Another source close to Sinduhije stated that when informed personally of the Group's request to meet with him, Mr. Sinduhije refused.

Concerning Mr. Sinduhije alleged lack of understanding for the mandate of the Group of Experts on the DRC and its relation to Burundi and its citizens, the Group does not find this convincing. Mr. Sinduhije's radio, *Radio Publique Africaine*-RPA, extensively covered the findings of the Group's 2009 final report regarding the support networks for armed groups based in the eastern DRC originating from Burundi, notably links between the FDLR rebels and certain members of Burundian intelligence services. As such, when contacted by a member of the Group, Mr. Sinduhije was aware of the direct linkages to the DRC, particularly in light of his multiple visits to the DRC during 2011. UN officials sighted him on several occasions in the city of Goma.

Finally, in its methodology, which you cite in your letter, the Group states that "The Group has endeavoured to make available to relevant parties, *where appropriate and possible*, any information about actions for which those parties could be cited." In light of the failure of its multiple attempts to meet with Mr. Sinduhije, the Group concluded that presenting information personally to him regarding his eventual citation was not *possible*.

2) ***The credibility of the sources of the Group's findings:***

In your letter, you stated that "Contrary to their stated methodology, the Group of Experts relied on inherently suspect sources, without critically discussing the extent to which those sources could be unreliable."

The Group gathered testimony from over a dozen separate and independent sources which attested to Mr. Sinduhije's involvement in preparing a rebellion against the Burundian Government. These sources were completely separate from intelligence services which also provided the Group with information corroborating its independent findings. The Group reached its conclusions first and foremost through interviews with five current FNL officers and combatants both in Bujumbura and Uvira territory (DRC), four arrested rebel collaborators currently in the Bujumbura prison, and with four completely independent Burundian as well as international interlocutors in consistent communication with Sinduhije.

The Group's conclusions are consistent with public and private statements made by members of the ADC-Ikibiri, who have repeatedly alluded to the threat of an armed rebellion as a reason to justify political dialogue with the Government of Burundi following their contestation of the 2010 elections.

You have also stated that "Reliance on some number of individual FNL agents does not amount to verification of 'Independent' sources of one another, as the FNL is a hierarchical political-military group." To the contrary of this statement, we found within the FNL significant divergence regarding their rebellion as well as their links to the Burundian political opposition.

While FNL commanders in the DRC and in Burundi openly acknowledged that they had returned to war against the government, FNL senior political officials categorically denied that the FNL was re-mobilizing its military capacity.

Furthermore, the Group received equally contradictory opinions from representatives of the Burundian government. The Group consulted various echelons of the Burundian intelligence services including low-level information gathers, who openly acknowledged the rebel activity in Burundi and the DRC. However, senior intelligence leadership consistently opposed the Group's references to an "armed rebellion" out of fear of undermining international perceptions of post-conflict Burundi.

3) *The title of Annex 26:*

With regards to annex 26 of its 2011 final report (S/2011/738), the Group wishes to provide several important clarifications. First, all annexes included in Group of Experts report serve to compliment specific text of the report where they are explicitly cited in parentheses. Annex 26 is cited in, and provides additional evidence in relation to, paragraph 140 of the Group's final report, which describes the arrest of an MSD political cadre, by the name of Onesphore, in the Burundian port city of Rumonge in September 2011. In interviews with the Group, Onesphore acknowledged that he had accumulated significant stocks of logistical equipment which was to be provided to Burundian combatants arriving from the DRC. The Group included a photo of this equipment in annex 25. However, as per the text of the report, annex 26 refers explicitly to "voice recordings obtained by the Group" in which Sinduhije instructed a second collaborator "to flee and offered to send 500,000 Burundian francs to assist with Onesphore's release." The photograph in annex 26 is of this second collaborator surrounded by Burundian police during this recorded phone conversation with Sinduhije. The original title of annex 26 was:

> "Photograph of Alexis Sinduhije making a telephone call, allegedly to an FNL collaborator in Rumonge, Burundi, concerning operations to prepare for the arrival of combatants from South Kivu"

However, upon understanding that this individual title remained unclear for some audiences, the Group requested the UN Secretariat to alter it slightly. These changes went into effect for the current on-line version of the report on 2 February 2012 (http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/738)

The title of annex 26 now reads as follows:

> "Photograph of a phone call by Alexis Sinduhije to an FNL collaborator (pictured below) in Rumonge, Burundi, concerning operations to prepare for the arrival of combatants from South Kivu"

During this telephone conversation, Mr. Sinduhije was not aware of the fact that this second collaborate had also been apprehended and was surrounded by police officers who were recording the conversation as demonstrated in the photo. As the Group was not able to even speak with Sinduhije during its mandate, it is illogical for anyone to assume the Group was of the belief that it possessed a photograph of him surrounded by the Burundian police.

The Group also interviewed this second collaborate who acknowledged that the individual on the phone was indeed Alexis Sinduhije. The content of the phone conversation demonstrated clearly that the collaborator was familiar with Sinduhije and that it was not the first time that they had spoken by phone. The fact that the call was initiated by a Kenyan phone number is consistent with Sinduhije's travels throughout East Africa, as stated to the Group by several sources and confirmed by his eventual arrest in Dar es Salaam upon arrival from Kampala.

In order to avoid any doubts about the identity of the caller, or any manipulation by the Burundian authorities, the Group asked several individuals familiar with Sinduhije's voice if they could recognize it. One individual who had worked with Sinduhije during for over ten years told the Group that indeed it was Sinduhije on the recording. Moreover, one diplomatic source and two individuals very close to Sinduhije confirmed for the Group that both Onesphore and this second collaborator were indeed working for Sinduhije, and that the Burundian police had thwarted their operation to facilitate the arrival of Burundian combatants from South Kivu.

This voice recording was played on Burundian radio and to date, the Group is not aware of one single civil society organization or MSD official which has claimed that it was falsified or was not in fact Sinduhije's voice. Furthermore, to the Group's knowledge, Sinduhije himself has never denied that this was his voice, even in his letter to the Secretary General of the United Nations of 27 January 2012. In your letter, you do not either make any claims that the voice recording was not of a call that Sinduhije personally made or was in any way fabricated by the Burundian police or intelligence services. The Group has placed the voice recording in the UN's archives for future reference of interested parties.

4) *Links between Sinduhije's activities and the mandate of the GoE*

You assert in your letter that "The authors of the report, while touching upon their mandate as they assert that they are investigating the movement of arms in the DR Congo, are substantively taking part in discourse about Burundi – which would require greater understanding of the Burundian context. They should not have allowed their work on the DR Congo to become subsumed in the propagandists goals of the FNL and CNDD-FDD, against a respected civilian figure."

However, in a strict interpretation of the Group's mandate regarding the financing of armed groups active in the eastern DRC, the Group referred to the Burundian rebels present on Congolese soil as the FNL, but acknowledged in footnote 46 of its 2011 final report that "Negotiations among Burundian opposition leaders about a name for their combatants are ongoing. Until a decision has been taken, the Group will continue to refer to this foreign armed group as the *Forces nationales de libération.*" While it appeared from several sources very close to the Burundian political opposition leaders spearheading the negotiations that an agreement was imminent, attempts to establish a unified command under a single name failed for several reasons, including Agathon Rwasa's reticence to lose control over his loyal FNL combatants.

During its current mandate in 2012, the Group has found evidence that the FNL, while remaining independent, has established operational alliances with the FRD and FRONABU-TABARA as cemented in a meeting between representatives of the three movements which took place near Kamanyola in early March 2012. Four FNL officers near Uvira confirmed that they were working with both FRONABU and FRD combatants already present in the DRC. The Group has received several independent reports of a group of 40 Burundian Tutsi combatants based in the hills above Uvira town. According to Banyamulenge leaders and FDLR intelligence officers, these Burundians, who claim to be a prayer group, are in fact FRONABU combatants. Civil society sources have reported them as "les gens de Sinduhije."

During the course of its previous mandate, the Group obtained over a dozen testimonies attributing FRONABU to Sinduhije, including from three individuals in direct and constant communication with him. One intelligence source from a European country has also corroborated the fact that Sinduhije created and promoted the FRONABU project. Furthermore, in March 2012, a senior FNL representative with very close ties to Sinduhije described for the Group in specific detail how Sinduhije came up with the name FRONABU-TABARA and presented it to him and others. The same source also claimed that Sinduhije had insisted on contacting FNL commanders in the DRC and aspired to transform the FNL combatants into FRONABU.

Sinduhije's promotion of FRONABU as the name of the over-arching new alliance of armed movements is consistent with testimonies from current FNL combatants interviewed in both Bujumbura and Uvira in August 2011, when the movement did not possess any combatants of its own. Moreover, though not mentioned in the Group's report, in a telephone conversation in August 2011, FRD rebel commander in Ruyigi, Colonel Pierre Claver Kabirigi, also confirmed for the Group the direct involvement of Sinduhije in promoting the rebel group FRONABU-TABARA. Finally, according to one current FNL combatant, FNL "General" Antoine Baranyanka's departure from his command position at Kiliba for the FNL was caused by the fact that he had refused to work with Tutsis, and in particular Sinduhije.

5) Mr. Sinduhije's background

In your letter, you state that "The report in no way acknowledges his background as a journalist, prior to entering politics, or the respect his work was held in. It is peculiar for the experts to take allegations of a sudden shift to organizing combat at face value, without any acknowledgement of how incompatible this with his background." However, the Group believes that the fact that Mr. Sinduhije was previously a journalist has no relevance to the Group's investigations in light of the overwhelming evidence demonstrating his direct involvement in supporting an armed rebellion against the Burundian government. Furthermore, many respected political and civil society leaders throughout the recent history of the Great Lakes region have opted to support and/or lead rebel movements as a result of their political convictions.

If you would like any further explanations on these or other issues, we would be willing to meet with you and/or Mr. Sinduhije in person. Unfortunately, according to your client, you advised Mr. Sinduhije not to meet with the Group without your presence when it sought to arrange a meeting in France during the month of March 2012. Your being based in Toronto naturally precluded such a meeting from taking place.

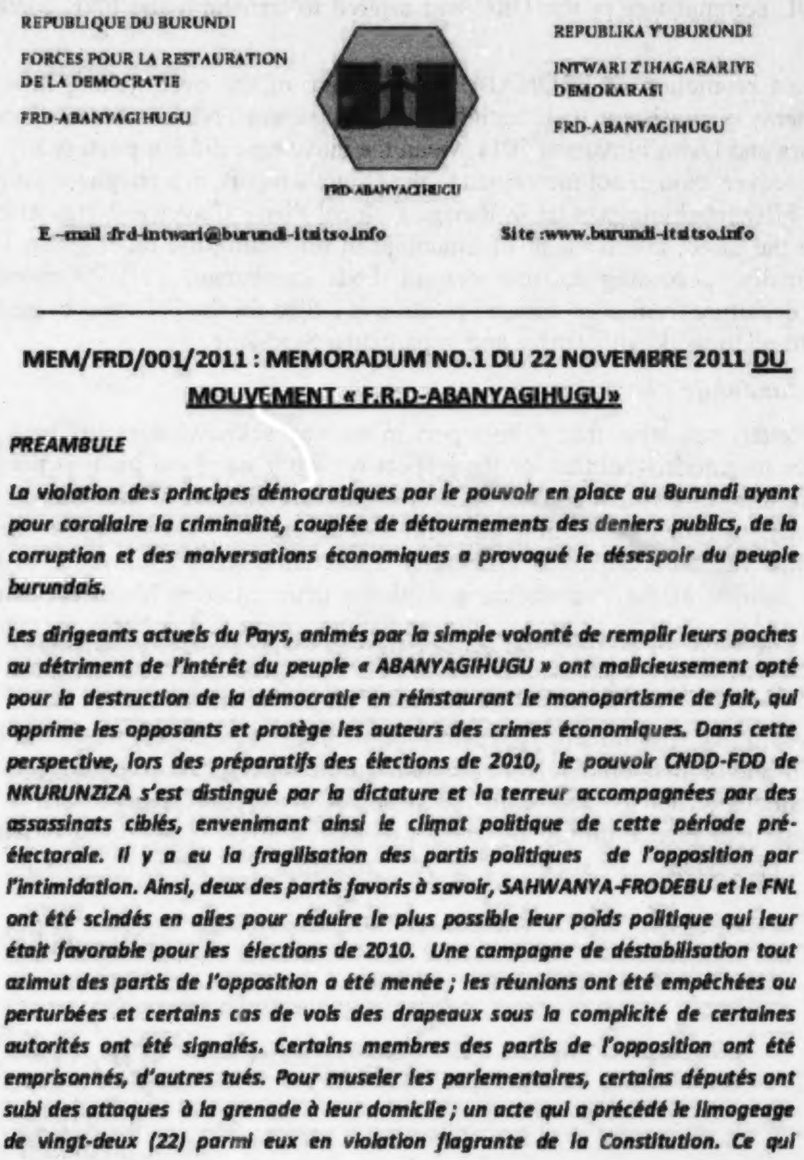
Respectfully,

(Signed)

Steve Hege Bold
Coordinator
Group of Experts on the DRC
extended pursuant to Security Council
resolution 2021 (2011)

Annex 10

Extract from the FRD memorandum of 22 November 2011



REPUBLIQUE DU BURUNDI

FORCES POUR LA RESTAURATION
DE LA DEMOCRATIE

FRD-ABANYAGIHUGU

REPUBLIKA Y'UBURUNDI

INTWARI Z'IHAGARARIYE
DEMOKARASI

FRD-ABANYAGIHUGU

FRD-ABANYAGIHUGU

E -mail :frd-intwari@burundi-itsitso.info

Site :www.burundi-itsitso.info

MEM/FRD/001/2011 : MEMORADUM NO.1 DU 22 NOVEMBRE 2011 DU MOUVEMENT « F.R.D-ABANYAGIHUGU»

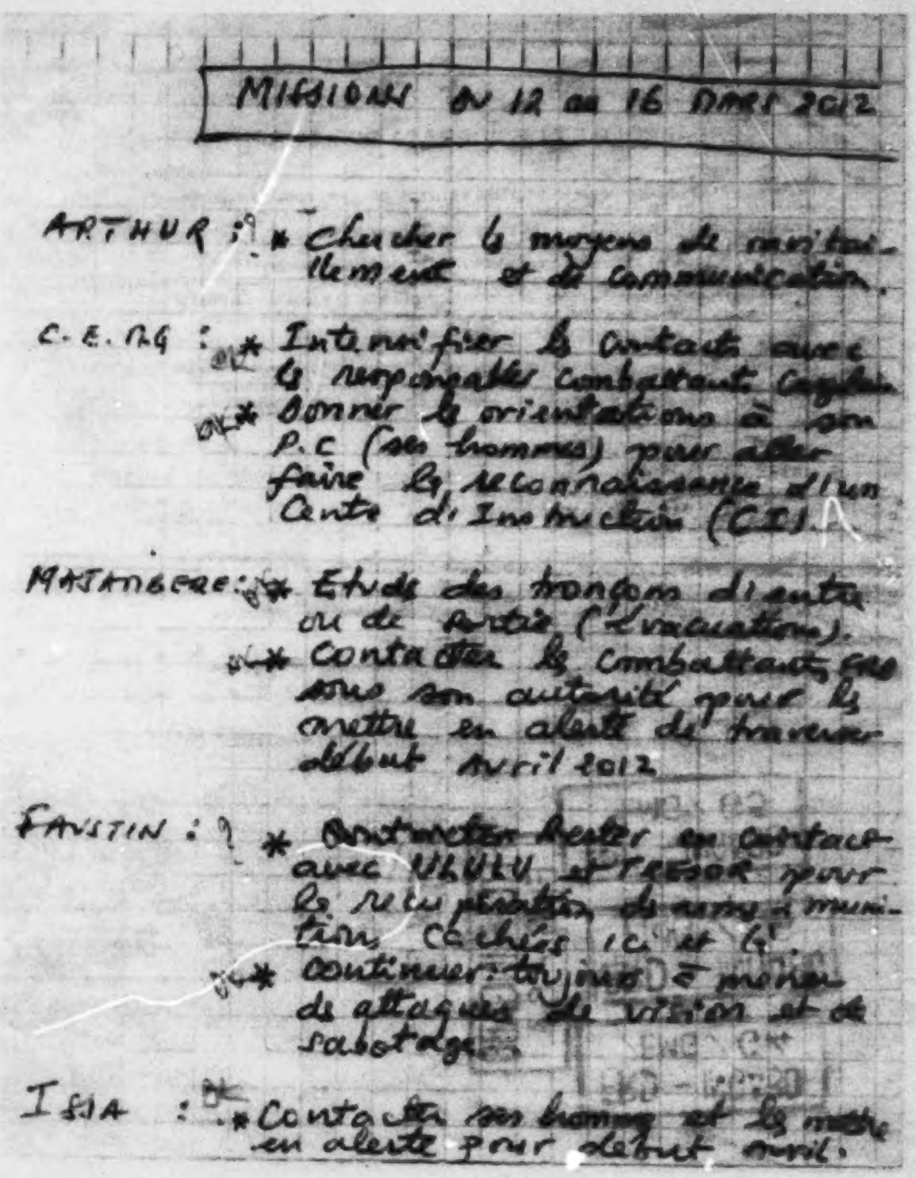
PREAMBULE

La violation des principes démocratiques par le pouvoir en place au Burundi ayant pour corollaire la criminalité, couplée de détournements des deniers publics, de la corruption et des malversations économiques a provoqué le désespoir du peuple burundais.

Les dirigeants actuels du Pays, animés par la simple volonté de remplir leurs poches au détriment de l'intérêt du peuple « ABANYAGIHUGU » ont malicieusement opté pour la destruction de la démocratie en réinstaurant le monopartisme de fait, qui opprime les opposants et protège les auteurs des crimes économiques. Dans cette perspective, lors des préparatifs des élections de 2010, le pouvoir CNDD-FDD de NKURUNZIZA s'est distingué par la dictature et la terreur accompagnées par des assassinats ciblés, envenimant ainsi le climat politique de cette période pré-électorale. Il y a eu la fragilisation des partis politiques de l'opposition par l'intimidation. Ainsi, deux des partis favoris à savoir, SAHWANYA-FRODEBU et le FNL ont été scindés en ailes pour réduire le plus possible leur poids politique qui leur était favorable pour les élections de 2010. Une campagne de déstabilisation tout azimut des partis de l'opposition a été menée ; les réunions ont été empêchées ou perturbées et certains cas de vols des drapeaux sous la complicité de certaines autorités ont été signalés. Certains membres des partis de l'opposition ont été emprisonnés, d'autres tués. Pour museler les parlementaires, certains députés ont subi des attaques à la grenade à leur domicile ; un acte qui a précédé le limogeage de vingt-deux (22) parmi eux en violation flagrante de la Constitution. Ce qui

Annex 11

Mission order for FRD combatants in the Democratic Republic of the Congo



MISSION DU 12 AU 16 MARS 2012

ARTHUR : ? * Chercher les moyens de ravitaillement et de communication.

C.E.M.G : ok * Intensifier les contacts avec les responsables combattants Congolais
ok * Donner les orientations à son P.C (ses hommes) pour aller faire la reconnaissance d'un Centre d'Instruction (C.I).

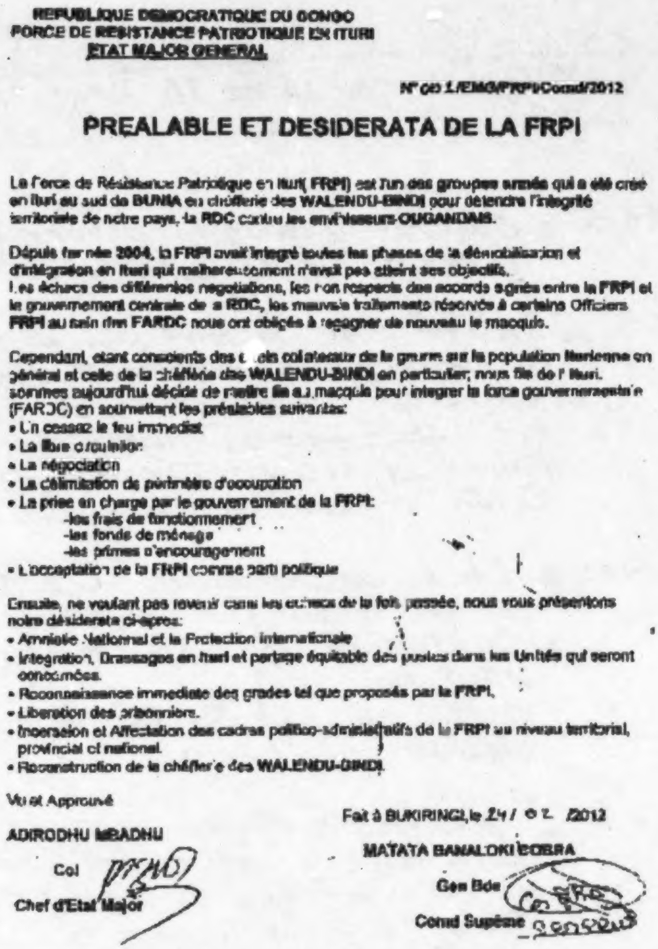
MATANBERE : ok * Etude des tronçons d'entrée ou de sortie (l'évacuation).
ok * Contacter les combattants FRD sous son autorité pour les mettre en alerte de traverser début Avril 2012

FAUSTIN : ? * ~~Contacter~~ Rester en contact avec ULULU et TRESOR pour la récupération des armes et munitions cachées ici et là.
ok * Continuer toujours à mener des attaques de vision et de sabotage.

ISIA : ok * Contacter ses hommes et les mettre en alerte pour début avril.

Annex 12

List of demands made by FRPI



REPUBLIQUE DEMOCRATIQUE DU CONGO
FORCE DE RESISTANCE PATRIOTIQUE EN ITURI
ETAT MAJOR GENERAL

N° 001/EMG/FRPI/Comd/2012

PREALABLE ET DESIDERATA DE LA FRPI

La Force de Résistance Patriotique en Ituri(**FRPI**) est l'un des groupes armés qui a été créé en Ituri au sud de **BUNIA** en chefferie des **WALENDU-BINDI** pour défendre l'intégrité territoriale de notre pays, la **RDC** contre les envahisseurs **OUGANDAIS.**

Depuis l'année **2004**, la **FRPI** avait intégré toutes les phases de la démobilisation et d'intégration en Ituri qui malheureusement n'avait pas atteint ses objectifs.
Les échecs des différentes négociations, les non respects des accords signés entre la **FRPI** et le gouvernement centrale de la **RDC**, les mauvais traitements réservés à certains Officiers **FRPI** au sein des **FARDC** nous ont obligés à regagner de nouveau le maquis.

Cependant, étant conscients des effets collatéraux de la guerre sur la population Iturienne en général et celle de la chefferie des **WALENDU-BINDI** en particulier, nous fils de l'Ituri, sommes aujourd'hui décidé de mettre fin au maquis pour intégrer la force gouvernementale (FARDC) en soumettant les préalables suivantes:

- Un cessez le feu immédiat
- La libre circulation
- La négociation
- La délimitation de périmètre d'occupation
- La prise en charge par le gouvernement de la FRPI:
  - les frais de fonctionnement
  - les fonds de ménage
  - les primes d'encouragement
- L'acceptation de la **FRPI** comme parti politique

Ensuite, ne voulant pas revenir dans les échecs de la fois passée, nous vous présentons notre désiderata ci-après:

- Amnistie Nationnal et la Protection internationale
- Intégration, Brassages en Ituri et partage équitable des postes dans les Unités qui seront concernées.
- Reconnaissance immédiate des grades tel que proposés par la **FRPI**.
- Libération des prisonniers.
- Insertion et Affectation des cadres politico-administratifs de la **FRPI** au niveau territorial, provincial et national.
- Reconstruction de la chefferie des **WALENDU-BINDI**.

Vu et Approuvé

Fait à BUKIRINGI, le 24 / 02 /2012

ADIRODHU MBADHU
Col
Chef d'Etat Major

MATATA BANALOKI COBRA
Gen Bde
Comd Suprême

Annex 13

Photo of a former Mai Mai Gédéon lieutenant, wounded while participating in a CORAK operation[a]

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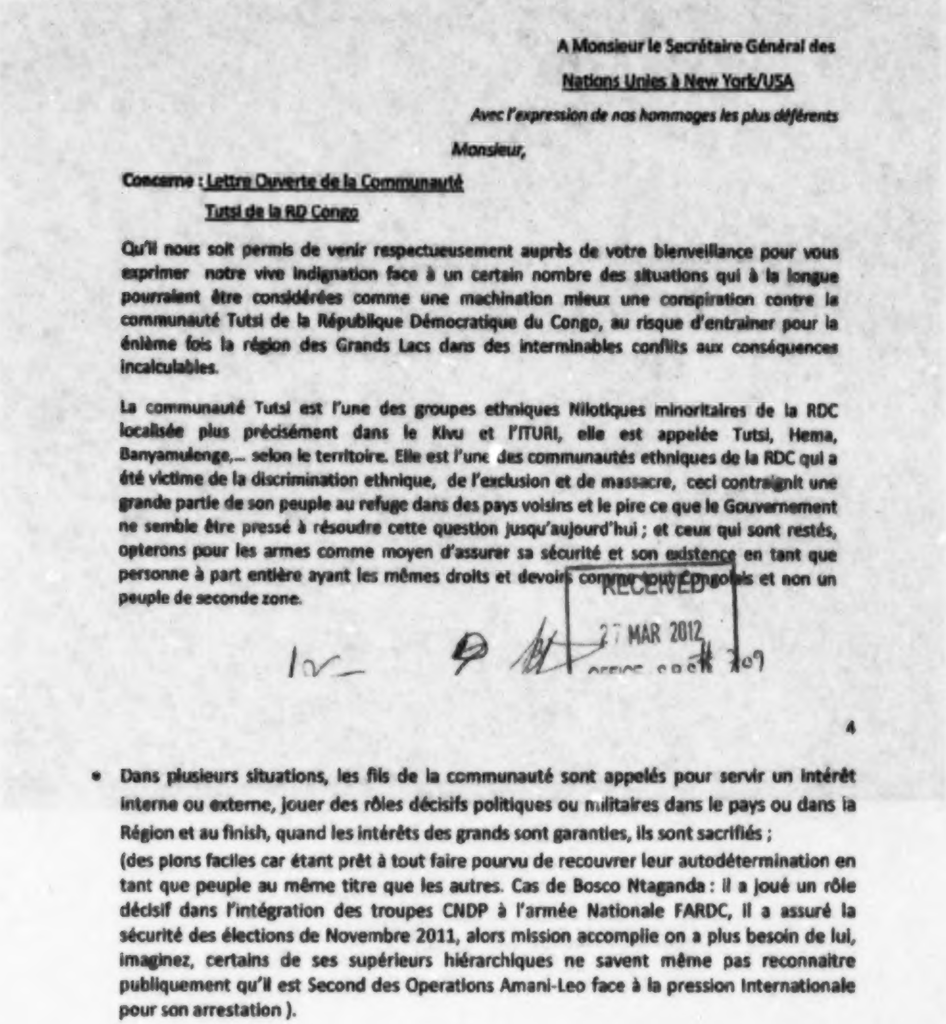
[a] The Group has archived footage showing the same person on trial, together with Gédéon.

Annex 14

Extract of a letter signed by the Tutsi community, in which it states that General Ntaganda secured the November 2011 elections



A Monsieur le Secrétaire Général des
Nations Unies à New York/USA

Avec l'expression de nos hommages les plus déférents

Monsieur,

Concerne : Lettre Ouverte de la Communauté Tutsi de la RD Congo

Qu'il nous soit permis de venir respectueusement auprès de votre bienveillance pour vous exprimer notre vive indignation face à un certain nombre des situations qui à la longue pourraient être considérées comme une machination mieux une conspiration contre la communauté Tutsi de la République Démocratique du Congo, au risque d'entrainer pour la énième fois la région des Grands Lacs dans des interminables conflits aux conséquences incalculables.

La communauté Tutsi est l'une des groupes ethniques Nilotiques minoritaires de la RDC localisée plus précisément dans le Kivu et l'ITURI, elle est appelée Tutsi, Hema, Banyamulenge,… selon le territoire. Elle est l'une des communautés ethniques de la RDC qui a été victime de la discrimination ethnique, de l'exclusion et de massacre, ceci contraignit une grande partie de son peuple au refuge dans des pays voisins et le pire ce que le Gouvernement ne semble être pressé à résoudre cette question jusqu'aujourd'hui ; et ceux qui sont restés, opterons pour les armes comme moyen d'assurer sa sécurité et son existence en tant que personne à part entière ayant les mêmes droits et devoirs comme tout Congolais et non un peuple de seconde zone.

RECEIVED
27 MAR 2012

4

- **Dans plusieurs situations, les fils de la communauté sont appelés pour servir un intérêt interne ou externe, jouer des rôles décisifs politiques ou militaires dans le pays ou dans la Région et au finish, quand les intérêts des grands sont garanties, ils sont sacrifiés ;**
  (des pions faciles car étant prêt à tout faire pourvu de recouvrer leur autodétermination en tant que peuple au même titre que les autres. Cas de Bosco Ntaganda : il a joué un rôle décisif dans l'intégration des troupes CNDP à l'armée Nationale FARDC, il a assuré la sécurité des élections de Novembre 2011, alors mission accomplie on a plus besoin de lui, imaginez, certains de ses supérieurs hiérarchiques ne savent même pas reconnaitre publiquement qu'il est Second des Operations Amani-Leo face à la pression Internationale pour son arrestation).

Pour la Communauté Tutsi du Nord Kivu

NGOBOKA MUHIGIRA Président Provincial

Esron RUTUGARAMBA Président Masisi

Joseph SEBAGISHA 1$^{\text{er}}$ Vice Président

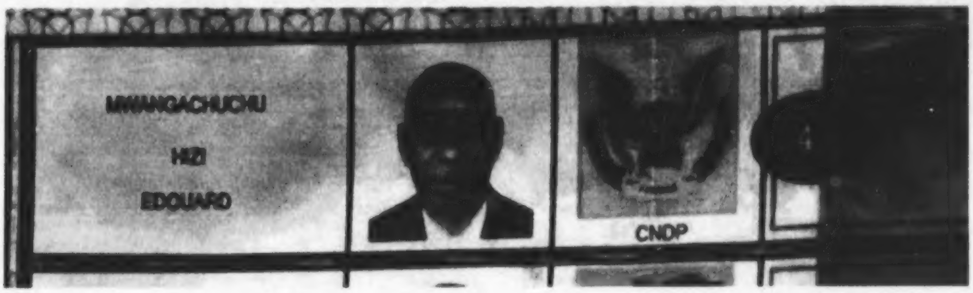
Damien BIVEGETE Président Rutshuru

Stanislas KANANURA Secrétaire Provincial

BWENGE Moussa Président GomaNyiragongo

Annex 15

Extract of an electoral list: CNDP candidate Édouard Mwangachuchu


MWANGACHUCHU
HIZI
EDOUARD
CNDP

Annex 16

Extract from an NGO report denouncing abuses during the elections

ELECTIONS PRESIDENTIELLE ET
LEGISLATIVE 2011

[redacted]

De l'élection proprement dite

Plus de détails dans la deuxième partie mais précisons ici que les villages suivants n'ont pas pu voter : Bukala/Bukunda, Lwama, Bweru, etc.

Dans nombreux villages tels que BUSUMBA, MWESO, BURUNGU, KIRUMBU, BUTALE...les électeurs ont voté par contrainte.

Des bulletins pré remplies ont été trouvés en masse dans le centre de Kilolirwe et comptabilisés. Les témoins et observateurs qui ont été constatés l'événement ont été identifiés par l'armée FARDC/CNDP et menacés de mort si une quelconque fuite de cette information parvenait à la CENI ou à la presse. Les membres de leurs familles sont également interdites de sortie du territoire, du moins jusqu'à la fin du processus. Ils sont donc en résidence surveillée dans nombreux villages.

C. BUSUMBA

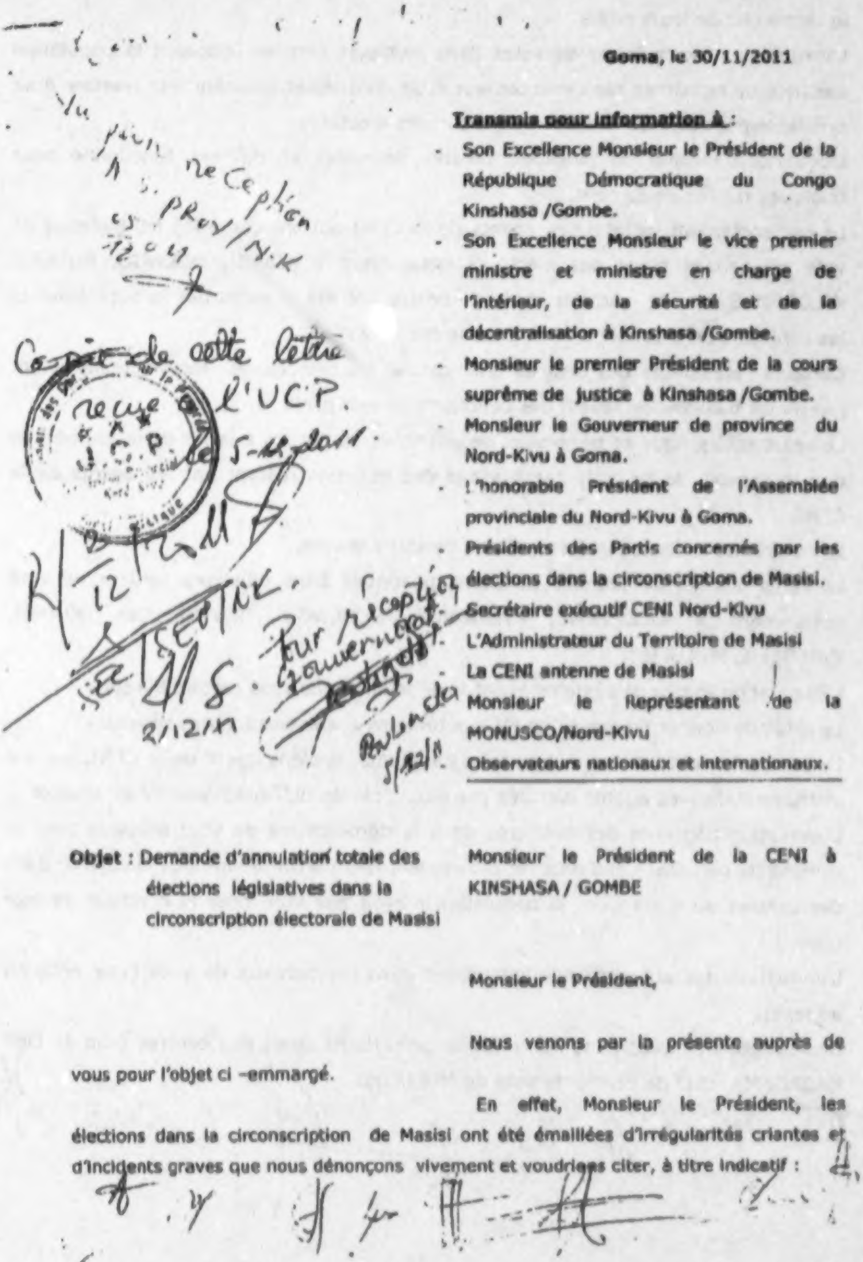
BUSUMBA est une grande cité qui a marqué l'histoire de Masisi par sa violence à l'égard des civils non partisans du grand seigneur de guerre Erasto NTIBATUBANA. Les populations issues d'autres tribus outre que Hutu y vivent difficilement à cause de la terreur que sème ce monsieur qui s'est autoproclamé chef du village et qui est responsable du parti CNDP. Il dispose d'une milice fortement armée et spécialisée dans les opérations d'enlèvement et d'assassinant ciblés. Il insécurise aussi les gens de sa tribu qui souhaite cohabiter pacifiquement avec les autres. Deux centres comprenant 8 bureaux de vote y ont été installés. Ici, seules les bulletins présidentiels étaient disponibles. Les bulletins des législatifs auraient été séquestrés et gardés par Erasto NTIBATURANA considéré ici comme chef du village et responsable du parti CNDP, pour les utiliser ultérieurement, à l'abri des regards. C'est ainsi que la population en colère s'est révolté provoquant la suspension des opérations électorales dans la cité. L'opération de vote a été reprogrammée pour le 30 novembre mais Mr Erasto a obligé à tous de voter pour son fils BAHATI MUSANGA, candidat à la députation nationale et KABILA KABANGE, candidat au présidentiel tout en menaçant de tuer quiconque passera à l'encontre de son mot d'ordre. Il a placé des hommes armés dans les bureaux afin de s'assurer du respect par tous de son ordre. Jusqu'à notre départ du village, le vote n'avait pas encore eu lieu.

J. Kilolirwe

Centre fictif non répertorié par la CENI. D'après les informations recueillies à la CENI, ces centres n'ont jamais été mis en place. Ils ont été imposés par certains leaders de la communauté Tutsi dans le but d'empêcher les populations Hutu de voter massivement pour leurs confrères et de leur imposer un candidat de leur choix. Ont été appelées à voter ici, les habitants des villages éloignés d'environ 20 Km. Les militaires armés ont supervisés les élections. D'après nos observations, 30% seulement de l'effectif prévu ici a pu remplir son devoir civique. Paradoxalement et on ne sait par quel miracle, le résultat de vote montre une participation massive. Qui a voté à la place des électeurs ?

Annex 17

Letter signed by UCP politicians denouncing irregularities during the elections, in particular involvement of military elements in the process and the filling of ballots by military elements



Vu

Pour réception

S. PROV/N.K

Copie de cette lettre reçue à l'UCP le 5-12-2011.

SEC TEC TEK

2/12/11

Pour réception Gouvernorat

5/12/11

Goma, le 30/11/2011

Transmis pour information à :

- Son Excellence Monsieur le Président de la République Démocratique du Congo Kinshasa /Gombe.
- Son Excellence Monsieur le vice premier ministre et ministre en charge de l'intérieur, de la sécurité et de la décentralisation à Kinshasa /Gombe.
- Monsieur le premier Président de la cours suprême de justice à Kinshasa /Gombe.
- Monsieur le Gouverneur de province du Nord-Kivu à Goma.
- L'honorable Président de l'Assemblée provinciale du Nord-Kivu à Goma.
- Présidents des Partis concernés par les élections dans la circonscription de Masisi.
- Secrétaire exécutif CENI Nord-Kivu
- L'Administrateur du Territoire de Masisi
- La CENI antenne de Masisi
- Monsieur le Représentant de la MONUSCO/Nord-Kivu
- Observateurs nationaux et internationaux.

Objet : Demande d'annulation totale des élections législatives dans la circonscription électorale de Masisi

Monsieur le Président de la CENI à KINSHASA / GOMBE

Monsieur le Président,

Nous venons par la présente auprès de vous pour l'objet ci -emmargé.

En effet, Monsieur le Président, les élections dans la circonscription de Masisi ont été émaillées d'irrégularités criantes et d'incidents graves que nous dénonçons vivement et voudrions citer, à titre indicatif :

- L'affichage tardive et incomplète des listes des électeurs et électrices devant les bureaux de votes.
- Le déficit de communication pour permettre aux omis de voter
- L'insuffisance de bureaux de vote et leur répartition inégale à travers la circonscription obligeant certains electeurs de parcourir plusieurs dizaines de km à la recherche de leurs noms.
- L'insuffisance de bulletins de votes dans plusieurs centres obligeant la population électrice de retourner sans exercer leur droit civiques et pourtant leur nombre était préalablement connue lors de l'inscription des électeurs.
- L'ouverture tardive de plusieurs centres de votes et qui ont fonctionné pour quelques heures seulement.
- Le comportement indigne des agents de la CENI qui ont complété les bulletins de vote en lieu et place des électeurs notamment à KIBABI, NGUNGU, BUTARE, KILORIRWE. Sur ce, certains chefs de centre ont été chassés par la population et les centres n'on plus fonctionné. C'est le cas de KINIGI.
- Certains présidents des centres ont chassé les témoins et les électeurs et ont rempli les bulletins en faveur des candidats de leur choix.
- Le refus catégorique et généralisé de distribuer les jetons à la fin de la journée tel que le prévoit la loi et le remplissage des bulletins restant par les agents de la CENI.
- La contrainte exercée sur les électeurs pendant le vote.
- Le refus d'accès de témoins de partis politiques dans plusieurs centres de vote notamment à KILORIRWE, KASHENDA, BURUNGU , BWEREMANA, KIBABI, KIROTCHE, MULULU....
- L'évacuation forcée de témoins avant le dépouillement dans certain bureaux.
- Le refus de donner de copies de PV aux témoins et falsification des résultats.
- Le comportement indigne des certains candidats, anciens agent de la CENI, qui ont instrumentalisé les agents recrutés par eux. (cas de BUTARE) voir PV en annexe.
- L'immixtion flagrante des militaires dans le déroulement de vote agissant pour le compte de certains candidats et provoquant des perturbations des élections dans des centres au motif que la population n'avait pas voté pour le candidat de leur choix .
- L'immixtion des autorités administratives dans les bureaux de vote (voir note en annexe).
- Des bulletins trouvés dans les maisons de certains chefs des centres (cas de DEP KABAGEMA, chef de centre de vote de MULULU).

- Le remplissage des bulletins de vote par les militaires à BUNYOLE, NGUGU, KIBABI et RUBAYA en faveur des candidats de leur choix.
- La fusillade à RUSHOGA, BURUNGU, KINIGI, BUNYOLE, KAHIRA.
- Les bagarres, à Butare qui ont provoqué l'arrêt des opérations de vote.
- L'attaque du centre de vote de Birinda à KIBUNDI dans le secteur de KATOYI par les mai-mai qui ont rempli les bulletins de vote en faveur de candidat de leurs choix.
- Aussi convient-il de signaler que suite aux irrégularités dénoncées le taux de participation a été de l'ordre de 20% de l'effectif attendu, et dès lors nous voudrions connaître le lieu de stockage des bulletins non utilisés et de leur sort. Il y a crainte que ces bulletins soient remplis clandestinement et introduits dans le circuit de vote.

Monsieur le Président, ce qui s'est passé en territoire de Masisi constitue un détournement de légitimité du peuple et un coup dur à la démocratie. En effet, lorsque les militaires de l'armée régulière se mêlent dans les élections, cela témoigne de l'ampleur du désordre, des contraintes et des sévices de tout genre subis par notre population de Masisi pendant le déroulement de vote. Par ce fait votre responsabilité et votre conscience sont mises à l'épreuve.

Considérant que le droit de vote dans la liberté et la transparence est garanti à chaque congolais par notre constitution et au regard des irrégularités et incidents graves constatés lors du déroulement de ces élections, nous demandons de procéder à l'annulation de ces élections injustes pour notre peuple et en organiser d'autre dans le meilleur délai et meilleures conditions car la paix et sécurité en dépendent largement.

Veuillez agréer Monsieur le Président, l'expression de nos sentiments patriotiques.

__Les candidats présents à Goma :__

Prof. AYOBANGIRA SAMUURA

MUGIRANEZA NDIZEYE JULES

Célestin NTABASATORA

MUSAFIRI [illegible] Adolphe

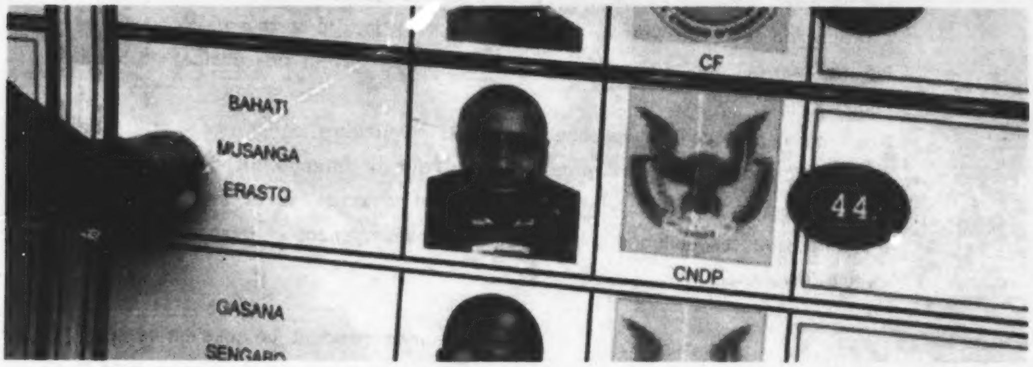
RUBABAKE NGIRENZE Christophe

[illegible] DABAHITA [illegible]

[illegible]

Annex 18

Extract from an electoral list: CNDP candidate Erasto Bahati Musanga

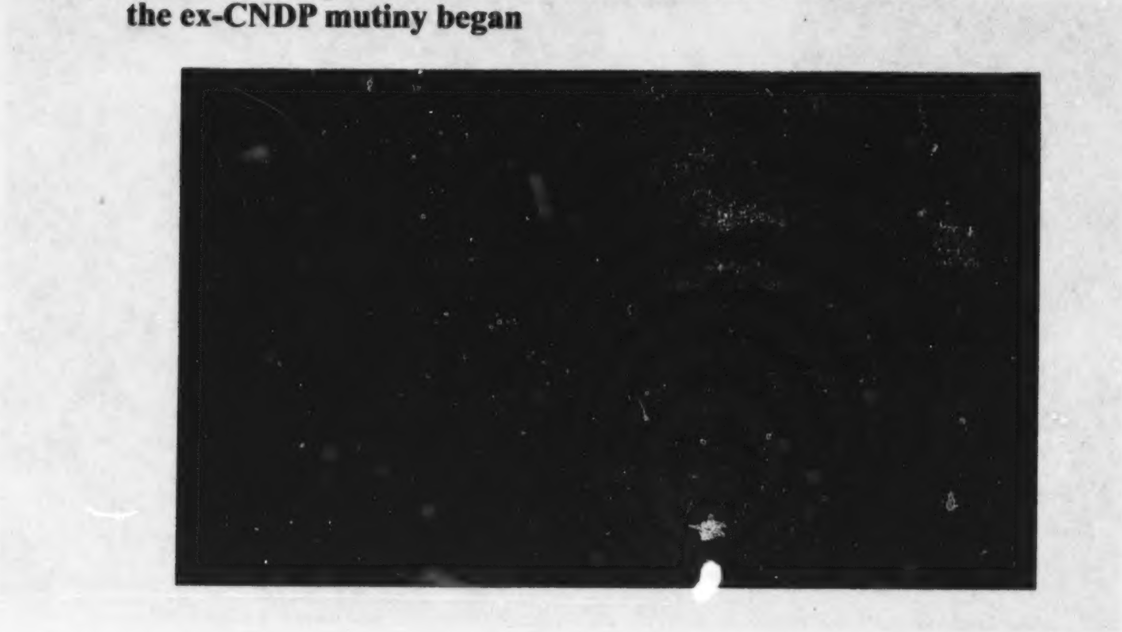

CF
BAHATI
MUSANGA
ERASTO
44
CNDP
GASANA

Annex 19

Photo of an FARDC vehicle belonging to Colonel Saddam Ringo, with Amani Leo insignias removed

Annex 20

Text messages from escaped arms trafficker in Uvira linking Lieutenant Colonel Eric Ngabo, alias “Zairois”, to the attack on the prison that freed the trafficker weeks before the ex-CNDP mutiny began



French translation: « Zairois nous demande d'attendre la dernière réponse ce soir, si tu trouves quelques unités, envoie moi car nous avons envoyés Fidel mais il traine. »

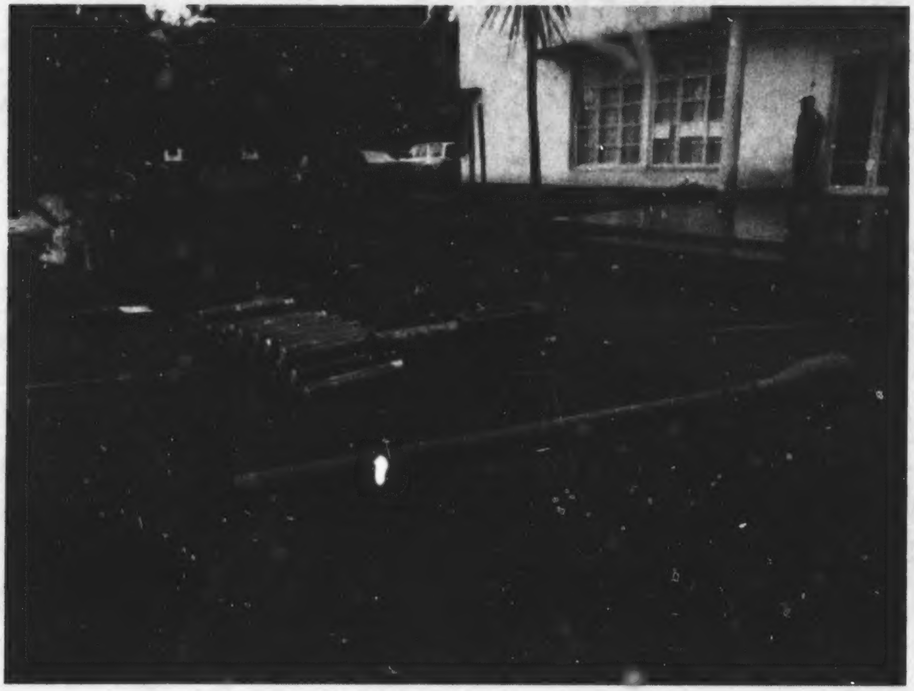
English translation: “Zairois has asked to wait the latest response tonight, if you find some telephone credit, send me because we have sent Fidel but he is delayed.”

Annex 21

Photos of weapons and ammunition seized from mutineer Lieutenant Colonel Nsabimana in Uvira on 3 April 2012

Annex 22

Photos of weapons seized from the residence of Colonel Josué Biyoyo in Nyabibwe on 21 April 2012

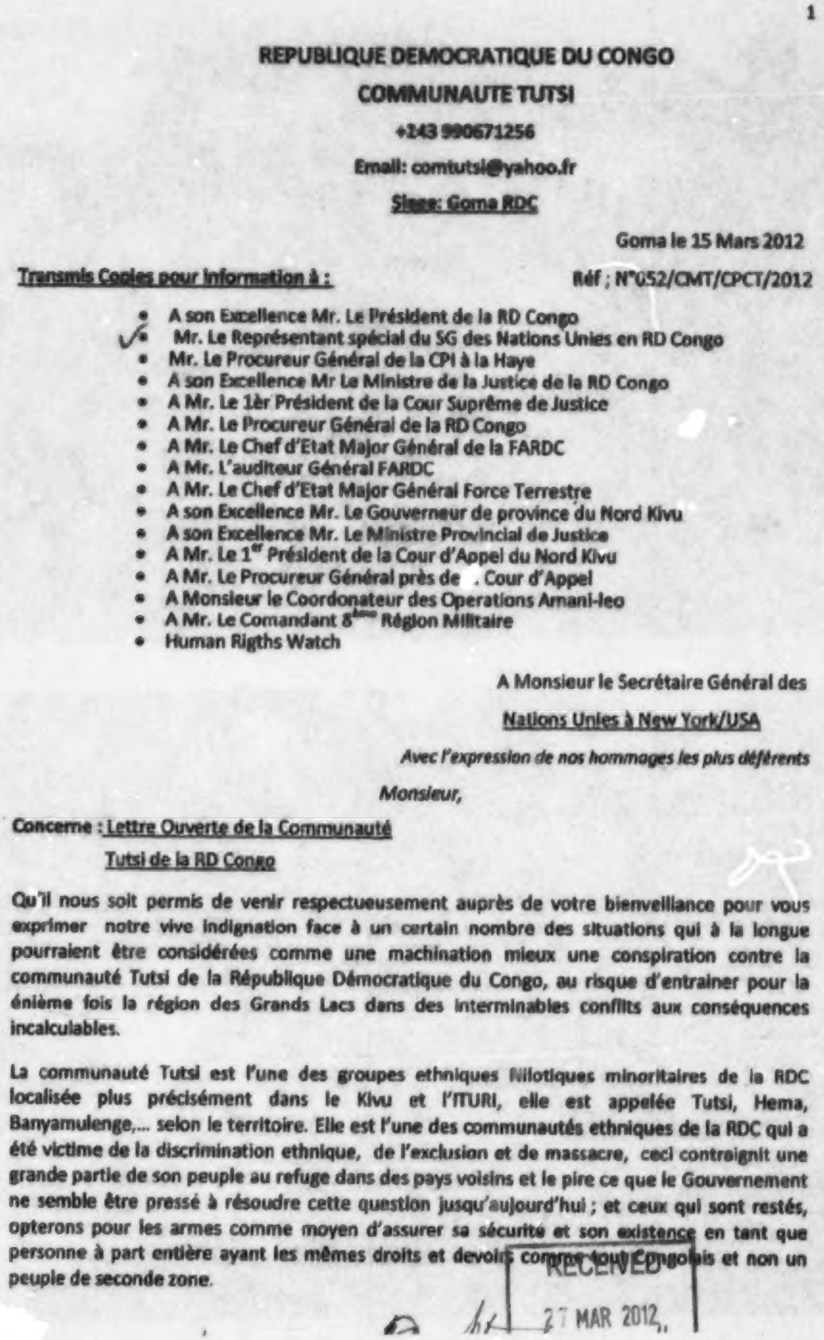


Annex 23

Photos of surrender of Colonel Bernard Byamungu on 16 April 2012

Annex 24

Letter from the Tutsi community against the arrest of General Ntaganda



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REPUBLIQUE DEMOCRATIQUE DU CONGO
COMMUNAUTE TUTSI
+243 990671256
Email: comtutsi@yahoo.fr
Siege: Goma RDC

Goma le 15 Mars 2012

Transmis Copies pour information à : Réf ; N°052/CMT/CPCT/2012

- A son Excellence Mr. Le Président de la RD Congo
- ✓ Mr. Le Représentant spécial du SG des Nations Unies en RD Congo
- Mr. Le Procureur Général de la CPI à la Haye
- A son Excellence Mr Le Ministre de la Justice de la RD Congo
- A Mr. Le 1èr Président de la Cour Suprême de Justice
- A Mr. Le Procureur Général de la RD Congo
- A Mr. Le Chef d'Etat Major Général de la FARDC
- A Mr. L'auditeur Général FARDC
- A Mr. Le Chef d'Etat Major Général Force Terrestre
- A son Excellence Mr. Le Gouverneur de province du Nord Kivu
- A son Excellence Mr. Le Ministre Provincial de Justice
- A Mr. Le 1er Président de la Cour d'Appel du Nord Kivu
- A Mr. Le Procureur Général près de [illegible]. Cour d'Appel
- A Monsieur le Coordonateur des Operations Amani-leo
- A Mr. Le Comandant 8ème Région Militaire
- Human Rigths Watch

A Monsieur le Secrétaire Général des

Nations Unies à New York/USA

Avec l'expression de nos hommages les plus déférents

Monsieur,

Concerne : Lettre Ouverte de la Communauté
Tutsi de la RD Congo

Qu'il nous soit permis de venir respectueusement auprès de votre bienveillance pour vous exprimer notre vive indignation face à un certain nombre des situations qui à la longue pourraient être considérées comme une machination mieux une conspiration contre la communauté Tutsi de la République Démocratique du Congo, au risque d'entrainer pour la énième fois la région des Grands Lacs dans des interminables conflits aux conséquences incalculables.

La communauté Tutsi est l'une des groupes ethniques Nilotiques minoritaires de la RDC localisée plus précisément dans le Kivu et l'ITURI, elle est appelée Tutsi, Hema, Banyamulenge,... selon le territoire. Elle est l'une des communautés ethniques de la RDC qui a été victime de la discrimination ethnique, de l'exclusion et de massacre, ceci contraignit une grande partie de son peuple au refuge dans des pays voisins et le pire ce que le Gouvernement ne semble être pressé à résoudre cette question jusqu'aujourd'hui ; et ceux qui sont restés, opterons pour les armes comme moyen d'assurer sa sécurité et son existence en tant que personne à part entière ayant les mêmes droits et devoirs comme tout Congolais et non un peuple de seconde zone.

RECEIVED
27 MAR 2012

Pour assurer la survie de leur communauté en péril, les fils et filles de celle ci, étaient contraints de se lancer dans une lutte sans merci qui parfois dégénérait en des situations de conflit armé aux conséquences incommensurables entrainant toute la communauté nationale et internationale à jeter l'anathème sur les TUTSI. Les uns comme les autres ne cherchèrent pas à savoir le fondement des actes de ces fils qui parfois étaient en conflit avec la loi, ou à connaître les causes profondes qui les ont poussé à poser des actes critiquables ; ainsi, d'aucuns se précipitèrent à les condamner hâtivement, à émettre des critiques sans réserve, à prononcer des jugements simplistes, qui à la fin des comptes retombent sur la communauté toute entière.

A. CONTEXTE

Depuis que la cour pénale internationale a décerné son mandat d'arrêt contre Bosco NTAGANDA en 2006-2008, grande est notre consternation d'assister à une amplification du cas Bosco par les medias, les Chancelleries occidentales, les Organisations Non Gouvernementales,... Un dossier qui, au départ était politique, juridique et individuel, a pris des allures vertigineuses de nature à déteindre sur toute la communauté Tutsi de la RDC.

Les problèmes d'insécurité, de tuerie, d'enlèvement, d'arrestation arbitraire, des fraudes et braquages qui se passent à Goma sont attribués à la personne de Bosco et aux Tutsis, alors que des cas similaires se passent dans d'autres coins du pays où le Général Bosco n'arrive pas. Il ya certes un mandat d'arrêt de la CPI qui a été décerné contre BOSCO Militaire FARDC, mais cela n'entame en rien la présomption d'innocence dont il a le bénéfice jusqu'à ce que un jugement définitif soit prononcé en son encontre, non plus ceci ne doit pas pour besoin d'exercer une pression au fin de son arrestation, amener les gens à des excès ou à monter des coups fourrés et des moyens déloyaux contre toute une communauté.

Il faille souligner avec un encre indélébile que le Général BOSCO alors chef d'Etat major de L'ANC branche armée du CNDP a été parmi les personnes éprises de paix qui ont accepté de suivre le Président KABILA avec la bénédiction de la communauté international pour ramener la paix a l'Est de la RDC. Au péril de sa vie il a convaincu toutes les troupes du CNDP à rejoindre les FARDC lesquelles sont aujourd'hui totalement intégrées, déployées et servent honorablement sous le drapeau tout en continuant à bénéficier de son encadrement en sa qualité d'officier Général coordonateur adjoint des opérations AMANI-LEO. Nul ne peut méconnaitre la contribution appréciable à la stabilité de la situation sécuritaire à l'Est de la RDC du fait de cette intégration et du ralliement des troupes CNDP à l'armée nationale, nous pouvons donc dire que le Général BOSCO constitue la pierre angulaire, l'épine dorsale du processus de paix en RDC.

Nous concevons que le rôle de la CPI n'est plus que d'arrêter et sanctionner les infracteurs, cependant, en tant que appareil judiciaire de l'ONU avec tous ses collaborateurs, ils ne devraient pas seulement se préoccuper à sanctionner mais également à chercher à savoir les raisons qui fondent les revendications tournant quelque fois en infraction.

B. LE COMPLOT

- Mr le Secrétaire Général, les événements de 2002 en Ituri, est un génocide que la communauté international refuse d'admettre pour ne plus endosser l'irresponsabilité aux yeux du monde après celle de 1994 dans la même Région au Rwanda. En effet, si une enquête était ouverte dans ce sens là, on se rendrait facilement compte qu'il y a eu bel et bien planification et exécution du génocide de peuple HEMA frères des TUTSI comme des BANYAMULENGE. Et si on va plus loin encore dans les conditions presque similaires on se rendra compte du génocide des Tutsis au Nord et Sud Kivu de 1994 à 1996, de KINSHASA et KAMINA en 1998, et celui du BURUNDI/GATUMBA en 2004. Fort de cette expérience malheureuse et douloureuse, des braves gens se sont levés pour stopper le massacre des leurs peuples en ITURI, ils seront accusés à tord d'enrôlement, de conscription et d'avoir fait participer activement des enfants de moins de 15 ans à des hostilités ;

- Il convient d'anticiper les choses qui se passent actuellement au Nord Kivu-Goma, qui, à la longue jetteront tous les ingrédients à une future crise communautaire au Nord Kivu ; aujourd'hui il suffit qu'une personne soit tuée, enlevée, disparue, arrêtée, une Banque braquée, une fraude douanière, un vol, viol des femmes, des populations massacre,.. pour qu'on pointe directement ou indirectement un membre de la communauté Tutsi, et pour les ONG nationales et internationales d'en faire leurs choux gras. Il peut s'agir d'un seul militaire d'origine Tutsi, c.à.d. d'un acte purement isolé comme il en est le cas dans le tout le pays, mais au Nord Kivu ceci sera généralisé à tous les membres de notre communauté. Nous en voulons pour preuve, les dépêches, articles, journaux, déclaration des acteurs politiques internes et externes, ONG, qui voient en Bosco un Tutsi plutôt qu'un militaire Congolais. Il est évident que nous condamnons ces actes mais nous refusons que la communauté soit pointé du doigt pour des actes commis par des individus ;

- Depuis l'avènement de la 3^{ème} République dans notre pays avec la capitulation de Mobutu, les fils de la communauté Tutsi ont joué un rôle prépondérant dans l'instauration de la démocratie dans notre pays. La communauté à perdu plusieurs de ses fils dans cette lutte espérant tirer profit de son apport en fonction de son cahier de charge, hélas elle a été escroquée au marché des dupes ; elle a payé le prix du sang, sa population est restée prisonnière dans des camps des refugiés des pays de la Région, elle a été massacrée dans des villes, villages ainsi que des camps, sa nationalité reconnu par la loi mais difficilement dans le faits,.. bref, son problème est resté entier.

- Face aux politiques sociales et communautaire discriminatoires et de culture de haine tribale vis-à-vis de notre communauté, certains fils s'étaient levés et ont refusé de brader l'avenir de tout un peuple et par ricocher devenir le complice de la destruction de leur propre communauté tels les politiciens de notre pays qui ne se gênent pas d'être des acteurs de la misère de son propre peuple. Ces héros de la communauté, ainsi que leurs alliés, seront systématiquement arrêtés, inquiétés, découragés, assassinés, condamnés,...

- **Dans plusieurs situations, les fils de la communauté sont appelés pour servir un intérêt interne ou externe, jouer des rôles décisifs politiques ou militaires dans le pays ou dans la Région et au finish, quand les intérêts des grands sont garanties, ils sont sacrifiés ;**
  (des pions faciles car étant prêt à tout faire pourvu de recouvrer leur autodétermination en tant que peuple au même titre que les autres. Cas de Bosco Ntaganda : il a joué un rôle décisif dans l'intégration des troupes CNDP à l'armée Nationale FARDC, il a assuré la sécurité des élections de Novembre 2011, alors mission accomplie on a plus besoin de lui, imaginez, certains de ses supérieurs hiérarchiques ne savent même pas reconnaitre publiquement qu'il est Second des Operations Amani-Leo face à la pression Internationale pour son arrestation).

C. LA JUSTICE DES PLUS FORTS CONTRE LES FAIBLES

- **Monsieur le Secrétaire Général, après la reconnaissance de la culpabilité de Thomas LUBANGA par la CPI, nous avons été fier d'entendre dire madame Anneke Van Woudenberg « que l'enquête de la CPI irait jusqu'à dénicher les complices au Rwanda et en Ouganda » ; nous serions encore plus que fier si cette enquête aller également pour Thomas LUBANGA comme pour Bosco NTAGANDA dénicher :**

  a. Les auteurs intellectuels de la guerre de l'Ituri qui sont en RD Congo et dans certains pays occidentaux à l'abri des yeux de la justice internationale ou tout simplement protégés, ceci renforçant notre thèse de complot,

  b. Identifier les raisons profondes qui ont militées à l'enrôlement de Bosco NTAGANDA, de Thomas LUBANGA et autres dans des rebellions, milices, et FARDC ; à poser des actes qui pour les uns ont étés qualifiés d'héroïques et salvateurs et pour les autres d'infractionnels et criminels. Ne pas chercher à identifier les vrais problèmes qui fondent la résurgence des conflits à l'Est de la RD Congo et n'emprunter que la voie des mandats d'arrêts, des procès, des condamnations des certaines personnes ; ne ferait que déplacer le problème et non le résoudre. Les mêmes causes produisant les mêmes effets ; la CPI ne devrait pas que chercher à condamner les infracteurs mais devrait aller plus loin dans le seul objectif de prévenir les révolutions récurrentes à l'EST de la RD Congo.

- **Monsieur le Secrétaire général, la communauté n'est pas un expert en droit pénal international, mais elle se rappelle tout au moins que pour des cas similaires instruits au bureau du procureur de la CPI, la responsabilité pénale des commandants a toujours été individuelle, le statut de Rome ne connait pas la notion de responsabilité collective qui peut entrainer l'inculpation de toute une organisation et la notion de complicité, de corréité ne sont pas bien explicitées dans le traité de Rome au point que la communauté toute entière s'interroge sur la possibilité d'inculper Thomas LUBANGA commandant en Chef, sauter la $2^{ème}$ puis la $3^{ème}$ personnalité du même organisation et inculper en 2006-2008 la $4^{ème}$ personnalité qui était Bosco, puis se rétracter en 2012 en citant cette fois ci la $2^{ème}$, la $3^{ème}$ et autres personnalités lors de la condamnation de Thomas LUMBANGA. Quelle est cette magie procédurale qui déjà en 2006 avait réuni les éléments nécessaires à l'inculpation de Bosco NTAGANDA et non pour la $2^{ème}$ et la $3^{ème}$ personnalité si ce n'est un complot !!!**

C. LE DANGER

- **Monsieur le secrétaire général, aux yeux de la communauté TUTSI toute entière, l'ONU ainsi que toute ses institutions, missions, agences,… représentent une église au milieu du village, un père dont la charge est d'assurer le bien être de tous ses enfants, un acteur confiant et impartial au service de la communauté internationale dans son ensemble, un refuge pour les faibles et les minorités ; Néanmoins au vu de ce qui se passent en RD Congo, à l'EST et dans le monde, cette machine des Nations Unies qui est la CPI, risque d'entamer sa crédibilité jusqu'à perdre totalement les raisons de sa création et en conséquence provoquer sa disparition intégrale.**
- **Dans la poursuite de sa mission de dire le droit lui conférée par les Etats parties, la CPI court un grand danger si elle ne prend garde, celle de tomber sous le coup des pièges ethniques et politiques surtout en Afrique, au vu de ses positions vis-à-vis des personnes qu'elles inculpent.**
- **L'autre piège qu'encoure une fois de plus la CPI est celui de toujours inculper et condamner sans chercher à savoir le pourquoi de certains actes répétitifs, ceci lui mettra un jour devant une résistance tous azimut des gens faibles qui se verront continuellement être condamnés à tord par les plus forts ou tout simplement rendant des jugements qui ne reflètent ni résolvent les vrais problèmes.**
- **La CPI nécessiterait de comprendre que, l'arrestation du General Bosco de manière cavalière et précipitée risquerait d'avoir des conséquences fâcheuses pour la communauté Tutsi ainsi que pour la Région.**

CONCLUSION

Nous rappelons à l'opinion tant nationale qu'internationale, que toutes les lois du monde posent que toute personne est présumée innocente avant que sa culpabilité n'ait été établie par une décision judiciaire définitive. Quoi que l'arrêt LUBANGA ait nommément cité Bosco comme coauteur des préventions qui ont étaient retenu à charge de l'intéressé, le Général Bosco doit toujours être considéré comme non encore jugé et doit continuer à jouir de tous les privilèges attachés à la présomption d'innocence, la CPI ne connaissant pas la procédure de jugement par contumace. La communauté Tutsi demande au S.G. de Nations Unies en tant que garant de l'ordre public international et du maintien de la paix, de faire tous ce qui est en son pouvoir pour arrêter cette hémorragie de fausses accusations contre les membres de la communauté Tutsi et de considérer que l'arrestation du General Bosco, va saper tout le processus de paix en Rd Congo.

Pour la Communauté Tutsi du Nord Kivu

NGOBOKA MUHIGIRA Président Provincial

Esron RUTUGARAMBA Président Masisi

Joseph SEBAGISHA 1ère Vice Président

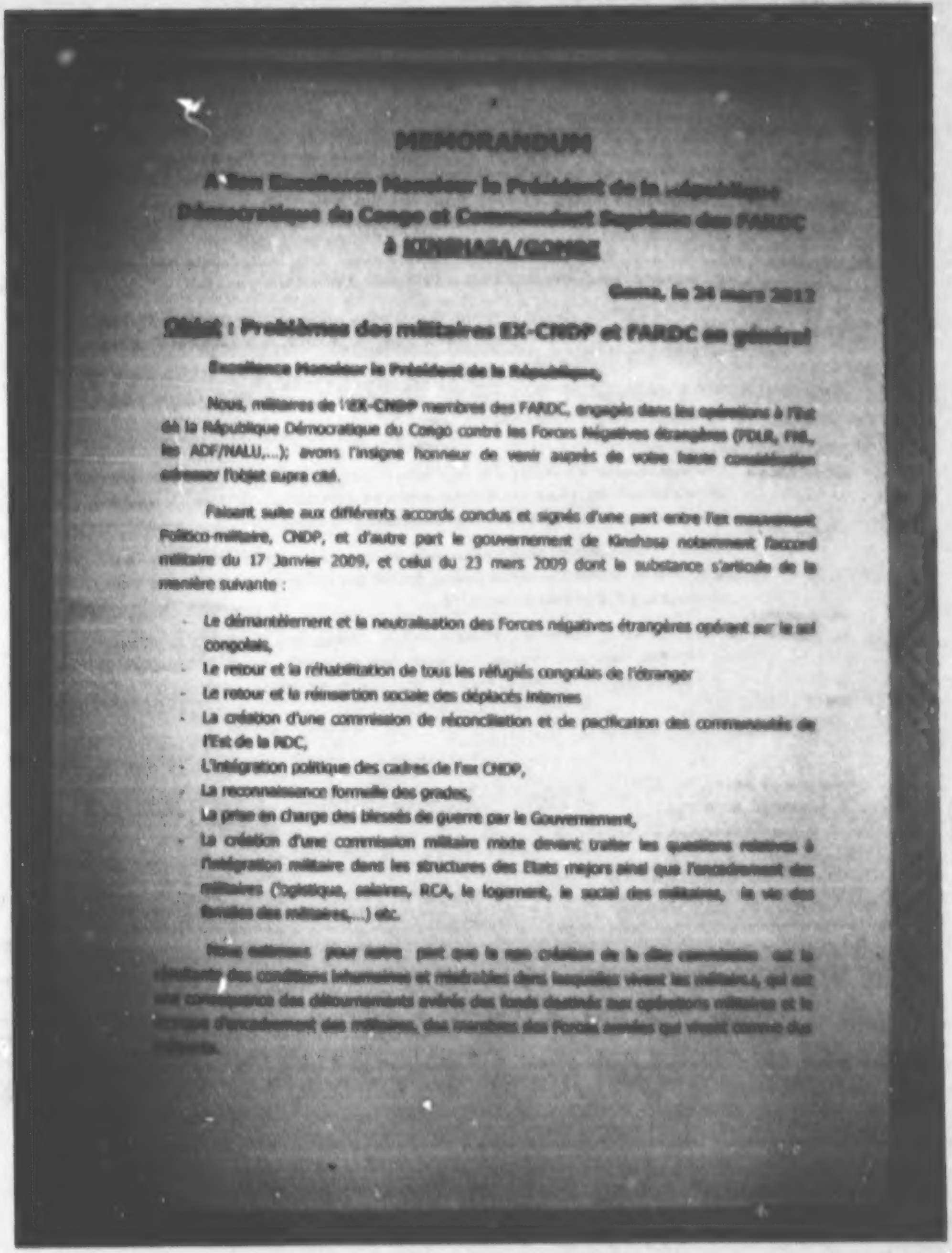
Damien BIVEGETE Président Rutshuru

Stanislas KANANURA Secrétaire Provincial

BWENGE Moussa Président GomaNyiragongo

Annex 25

Unsigned memorandum from ex-CNDP officers addressed to President Kabila before the 1 April 2012 mutiny



MEMORANDUM

A Son Excellence Monsieur le Président de la République Démocratique du Congo et Commandant Suprême des FARDC
à KINSHASA/GOMBE

Goma, le 24 mars 2012

Objet : Problèmes des militaires EX-CNDP et FARDC en général

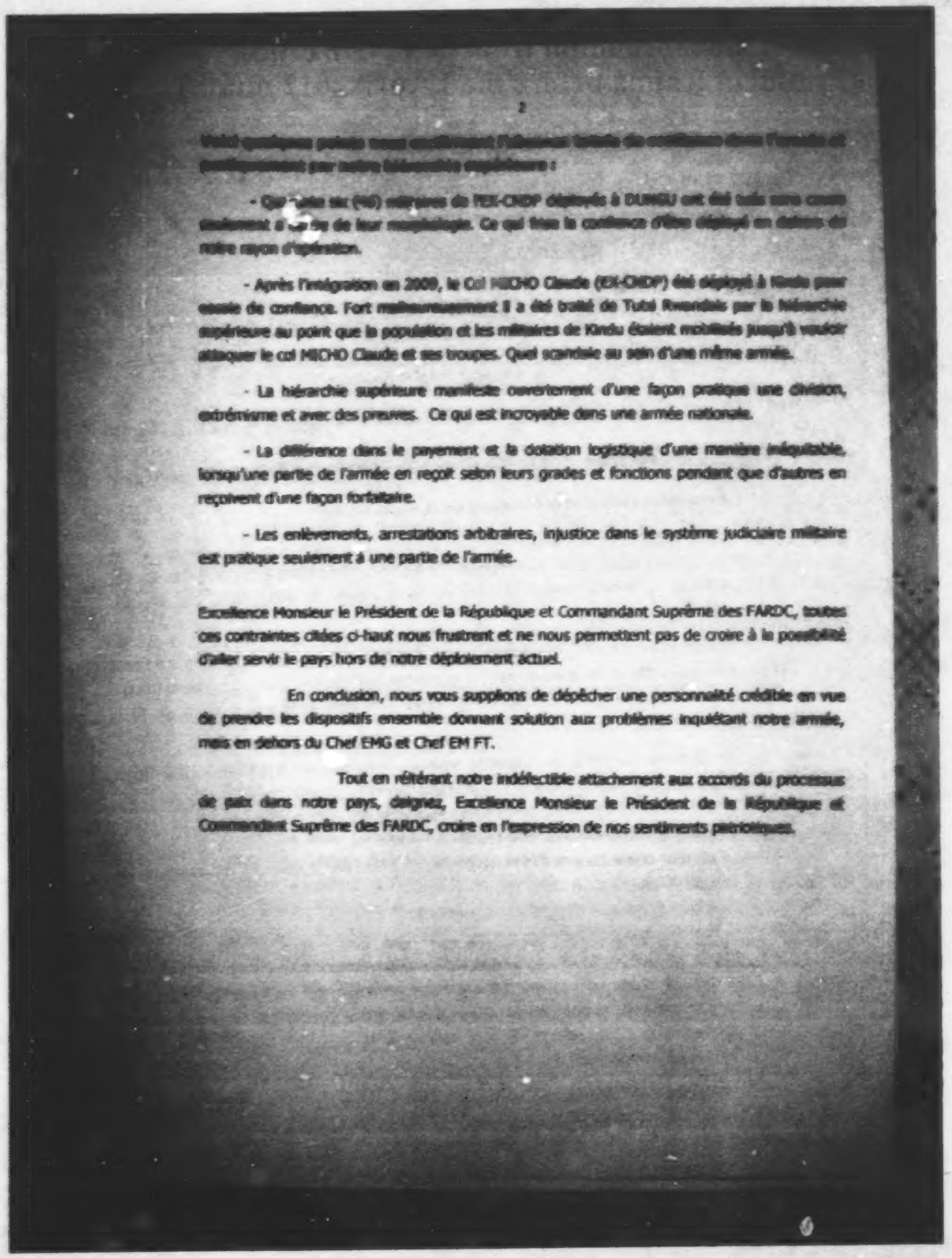
Excellence Monsieur le Président de la République,

Nous, militaires de l'EX-CNDP membres des FARDC, engagés dans les opérations à l'Est de la République Démocratique du Congo contre les Forces Négatives étrangères (FDLR, FNL, les ADF/NALU,...); avons l'insigne honneur de venir auprès de votre haute considération adresser l'objet supra cité.

Faisant suite aux différents accords conclus et signés d'une part entre l'ex mouvement Politico-militaire, CNDP, et d'autre part le gouvernement de Kinshasa notamment l'accord militaire du 17 Janvier 2009, et celui du 23 mars 2009 dont la substance s'articule de la manière suivante :

- Le démantèlement et la neutralisation des Forces négatives étrangères opérant sur le sol congolais,
- Le retour et la réhabilitation de tous les réfugiés congolais de l'étranger
- Le retour et la réinsertion sociale des déplacés internes
- La création d'une commission de réconciliation et de pacification des communautés de l'Est de la RDC,
- L'intégration politique des cadres de l'ex CNDP,
- La reconnaissance formelle des grades,
- La prise en charge des blessés de guerre par le Gouvernement,
- La création d'une commission militaire mixte devant traiter les questions relatives à l'intégration militaire dans les structures des Etats majors ainsi que l'encadrement des militaires (logistique, salaires, RCA, le logement, le social des militaires, la vie des familles des militaires,...) etc.

Nous estimons pour notre part que la non création de la dite commission est la résultante des conditions inhumaines et misérables dans lesquelles vivent les militaires, qui est une conséquence des détournements avérés des fonds destinés aux opérations militaires et le manque d'encadrement des militaires, des membres des Forces armées qui vivent comme des indigents.



2

Voici quelques points nous confirmant l'absence totale de confiance dans l'armée et particulièrement par notre hiérarchie supérieure :

- Que [illegible] six (06) militaires de l'EX-CNDP déployés à DUNGU ont été tués sans cause seulement à cause de leur morphologie. Ce qui tue la confiance d'être déployé en dehors de notre rayon d'opération.

- Après l'intégration en 2009, le Col MICHO Claude (EX-CNDP) été déployé à Kindu pour essaie de confiance. Fort malheureusement il a été traité de Tutsi Rwandais par la hiérarchie supérieure au point que la population et les militaires de Kindu étaient mobilisés jusqu'à vouloir attaquer le col MICHO Claude et ses troupes. Quel scandale au sein d'une même armée.

- La hiérarchie supérieure manifeste ouvertement d'une façon pratique une division, extrémisme et avec des preuves. Ce qui est incroyable dans une armée nationale.

- La différence dans le payement et la dotation logistique d'une manière inéquitable, lorsqu'une partie de l'armée en reçoit selon leurs grades et fonctions pendant que d'autres en reçoivent d'une façon forfaitaire.

- Les enlèvements, arrestations arbitraires, injustice dans le système judiciaire militaire est pratique seulement à une partie de l'armée.

Excellence Monsieur le Président de la République et Commandant Suprême des FARDC, toutes ces contraintes citées ci-haut nous frustrent et ne nous permettent pas de croire à la possibilité d'aller servir le pays hors de notre déploiement actuel.

En conclusion, nous vous supplions de dépêcher une personnalité crédible en vue de prendre les dispositifs ensemble donnant solution aux problèmes inquiétant notre armée, mais en dehors du Chef EMG et Chef EM FT.

Tout en réitérant notre indéfectible attachement aux accords du processus de paix dans notre pays, daignez, Excellence Monsieur le Président de la République et Commandant Suprême des FARDC, croire en l'expression de nos sentiments patriotiques.

Annex 26

Timeline of the initial stages of the mutiny in North Kivu and South Kivu

1 April 2012

- Colonel Innocent Kaina chases away Government soldiers of the 805th regiment and takes control of the regiment base at Nyongera, in Rutshuru, with about 200 ex-CNDP troops.
- Lieutenant Colonel Felix Mugabo and Lieutenant Colonel Alexi Muhire split with 70-80 troops from the 804th regiment and regroup at Katale, Rutshuru.
- Major Murenzi, company Commander at Bunagana, deserted and joined the mutineers at Katale.
- Colonels Gahizi, Bisamaza, Kabundi and Bizimana return from Kinshasa to Goma.
- Lieutenant Colonel Burimasu attempts to seize the 112th regiment weapons depot in Lulimba. He is arrested by 112th regiment Commander, Colonel Sammy Matumo.
- Colonel Byamungu, 9th sector Commander in Uvira, holds a planning meeting with all senior-ranking ex-CNDP officers.

2 April 2012

- General Amisi flies to Beni to deal with the crisis.
- Colonel Nsabimana leaves Baraka for Uvira, after taking (all?) weapons out of the depot.

3 April 2012

- Major Dusabe Nyabirungu defects from Nyamilima together with ex-CNDP troops based in Isahasha.
- Lieutenant Colonel Kashwala moves with his battalion from Pinga to Mweso, where he joins Colonel Zimurinda's 811th regiment.
- Fighting erupts between Colonel Alphonse Ngabo's troops of the 803rd regiment and loyal troops at Kashebere.
- Lieutenant Colonel Muhire attempts to bring ammunition to Bosco Ntaganda in Goma.
- APCLS takes advantage of the vacuum in Pinga to take control of the locality.
- General Amisi and Colonel Gahizi sensitize FARDC troops along the axis Beni-Rutshuru.
- Colonel Byamungu flees into the hills above Uvira together with about 50 combatants, including Uvira town battalion Commander, Lieutenant Colonel Eric Ngabo, alias "Zairois".

4 April 2012

- Colonel Alphonse Ngabo's troops from the 803rd regiment defect from Kashebere and move towards Kitchanga and Masisi.
- Colonel Zimurinda's 811th regiment moves towards Bwiza.
- Colonel Justin Karangwa deserts with troops from the 810th regiment in Masisi and moves to Kagundu.
- Lieutenant Colonel Jules Butoni, 8121st battalion Commander, moves from Chugi to MureMure.
- Lieutenant Colonel Tambwe Dereva, 8102nd battalion Commander based in Nyabiondo, goes to Masisi.
- Mutineers start surrendering in Rutshuru. Lieutenant Colonel Ganishuri, Lieutenant Colonel Kitchochi and troops return to the Government.
- General Bosco Ntaganda builds up his forces in Goma. The Government brings in commandos to secure Goma and Bukavu.
- General Amisi comes to Bukavu and meets with Colonel Makenga.
- Colonel Nsabimana, who arrived earlier in Uvira, is attacked by an FARDC unit. He is forced to abandon a large part of his weapons and ammunition stock, and flees to the hills above Uvira.

5 April 2012

- Colonel Alexis Muhire, of the 106th regiment in Bunyakiri, deserts with 50 men. General Amisi and Colonel Delphin Kahimbi are in Uvira.

6 April 2012

- Lieutenant Colonel Muhire and his troops depart from Katale to Kitchanga. Government troops take control of Katale.
- The mutineers are now concentrated on the hills in Karuba, Sake, Kabati, Kilolirwe, Ngungu and Kitchanga.
- APCLS progresses in Massi towards Lushoa in Masisi centre and Kashuga in northern Masisi.
- Lieutenant Colonel Bizabasoma Michu, 1051st FARDC battalion Commander, Lieutenant Colonel Bahingana Nemeyimana, 1052nd FARDC battalion Commander, surrender together with 116 soldiers from the 105th FARDC regiment in Kabimba, near Uvira.

7 April 2012

- General Ntaganda vanishes from Goma in spite of FARDC blocking all exits from the provincial capital.
- Colonels Gahizi, Smith, Padiri and Faustin visit Masisi and Katale to find a solution for the mutiny in Masisi.

8 April 2012

- Colonel Innocent Kaina flees from [illegible]yongera and briefly takes control of Bunagana.
- General Ntaganda's escorts increase deployment in quartier St-Esprit in Goma and build trenches.

9 April 2012

- Lieutenant Colonel Muhire surrenders with 11 elements and Colonels Ndaisaba and Mpaka surrender with 38 elements in Rutshuru.

10 April 2012

- President Kabila convokes a meeting involving all high FARDC command in Goma.

11 April 2012

- President Kabila holds a meeting at Ihusi Hotel, in Goma, with civil society, politicians and economic actors.

14 April 2012

- Major Gafisha surrenders in Burhale with 41 men.

16 April 2012

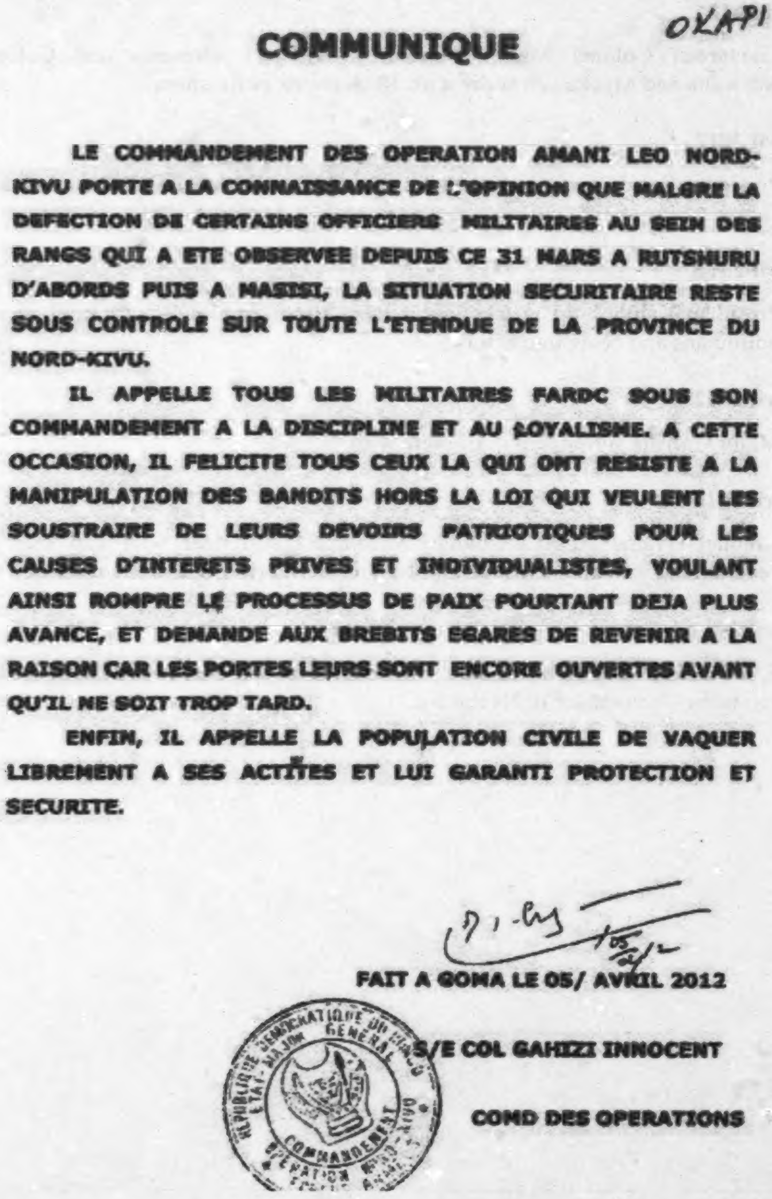
- Colonel Byamungu and Colonel Nsabimana surrender with 125 men and several heavy weapons. Ringo and Ngabo escape (to Bukavu then Masisi).

21 April 2012

- FARDC seize the personal stock of weapons of Colonel Josué Biyoyo, 103rd regiment Commander in Nyabibwe.

Annex 27

Communiqué by Colonel Innocent Gahizi, reassuring the soldiers that the FARDC command was in control of the situation during the mutiny



OKAPI

COMMUNIQUE

LE COMMANDEMENT DES OPERATION AMANI LEO NORD-KIVU PORTE A LA CONNAISSANCE DE L'OPINION QUE MALGRE LA DEFECTION DE CERTAINS OFFICIERS MILITAIRES AU SEIN DES RANGS QUI A ETE OBSERVEE DEPUIS CE 31 MARS A RUTSHURU D'ABORDS PUIS A MASISI, LA SITUATION SECURITAIRE RESTE SOUS CONTROLE SUR TOUTE L'ETENDUE DE LA PROVINCE DU NORD-KIVU.

IL APPELLE TOUS LES MILITAIRES FARDC SOUS SON COMMANDEMENT A LA DISCIPLINE ET AU LOYALISME. A CETTE OCCASION, IL FELICITE TOUS CEUX LA QUI ONT RESISTE A LA MANIPULATION DES BANDITS HORS LA LOI QUI VEULENT LES SOUSTRAIRE DE LEURS DEVOIRS PATRIOTIQUES POUR LES CAUSES D'INTERETS PRIVES ET INDIVIDUALISTES, VOULANT AINSI ROMPRE LE PROCESSUS DE PAIX POURTANT DEJA PLUS AVANCE, ET DEMANDE AUX BREBITS EGARES DE REVENIR A LA RAISON CAR LES PORTES LEURS SONT ENCORE OUVERTES AVANT QU'IL NE SOIT TROP TARD.

ENFIN, IL APPELLE LA POPULATION CIVILE DE VAQUER LIBREMENT A SES ACTITES ET LUI GARANTI PROTECTION ET SECURITE.

05/04/12

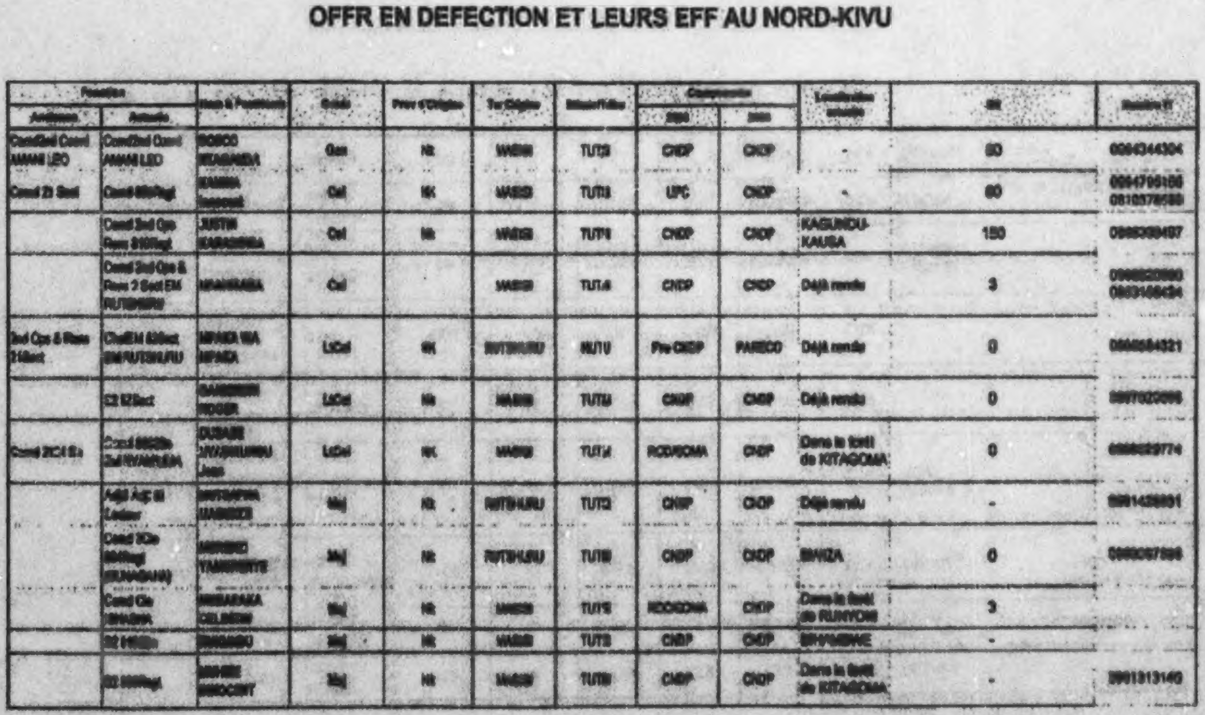
FAIT A GOMA LE 05/ AVRIL 2012

S/E COL GAHIZI INNOCENT

COMD DES OPERATIONS

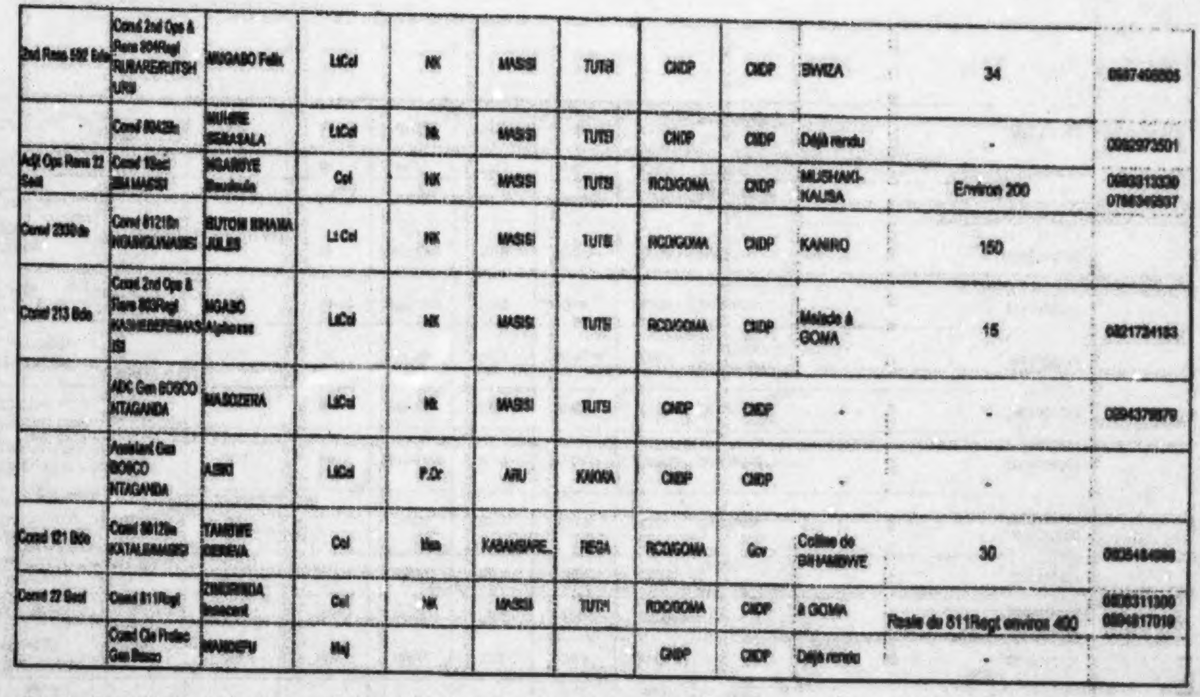
Annex 28

FARDC list of mutineers and judicial outcomes in North Kivu



OFFR EN DEFECTION ET LEURS EFF AU NORD-KIVU

Position		Nom & Postnom	Grade	Prov d'Origine	Ter Origine	[illegible]	Composante		Localisation actuelle	Eff	Numéro Tél
Ancienne	Actuelle						[illegible]	[illegible]			
Comd2nd Comd AMANI LEO	Comd2nd Comd AMANI LEO	BOSCO NTAGANDA	Gen	NK	MASISI	TUTSI	CNDP	CNDP	-	80	0994344304
Comd 2I Sect	Comd [illegible]Regt	[illegible] Innocent	Col	NK	MASISI	TUTSI	UPC	CNDP	-	80	0994795150 0810378580
	Comd 2nd Ops Rens 810Regt	JUSTIN KABANGUKA	Col	NK	MASISI	TUTSI	CNDP	CNDP	KAGUNDU-KAUSA	150	[illegible]
	Comd 2nd Ops & Rens 2 Sect EM RUTSHURU	[illegible]	Col		MASISI	TUTSI	CNDP	CNDP	Déjà rendu	3	[illegible] [illegible]
2nd Ops & Rens 2 Sect	Chef EM 8Sect EM RUTSHURU	MPAKA WA MPAKA	LtCol	NK	RUTSHURU	HUTU	Pre CNDP	PARECO	Déjà rendu	0	[illegible]4321
	C2 [illegible] Sect	[illegible] ROGER	LtCol	NK	MASISI	TUTSI	CNDP	CNDP	Déjà rendu	0	[illegible]
Comd 2IC4 Sa	Comd [illegible] 2nd RYAMUKUBA	DUSABE [illegible] Jean	LtCol	NK	MASISI	TUTSI	RCD/GOMA	CNDP	Dans la forêt de KITAGOMA	0	[illegible]9774
	Adjt Adj [illegible] Leader	[illegible]	Maj	NK	RUTSHURU	TUTSI	CNDP	CNDP	Déjà rendu	-	[illegible]
	Comd 2Cie [illegible]Regt ([illegible])	[illegible] YAMURENTE	Maj	NK	RUTSHURU	TUTSI	CNDP	CNDP	BWIZA	0	[illegible]
	Comd Cie [illegible]	[illegible] CELESTIN	Maj	NK	MASISI	TUTSI	RCD/GOMA	CNDP	Dans la forêt de RUNYONI	3	
	S2 [illegible]Bn	[illegible]	Maj	NK	MASISI	TUTSI	CNDP	CNDP	[illegible]	-	
	S2 [illegible]Regt	[illegible] INNOCENT	Maj	NK	MASISI	TUTSI	CNDP	CNDP	Dans la forêt de KITAGOMA	-	0991313140



2nd Rens 592 Bde	Cmd 2nd Ops & Rens 804Regt RUBARERUTSHURU	MUGABO Felix	LtCol	NK	MASISI	TUTSI	CNDP	CNDP	BWIZA	34	0997406805
-	Comd 8042Bn	MUHIRE SEBASALA	LtCol	NK	MASISI	TUTSI	CNDP	CNDP	Déjà rendu	-	0992973501
Adjt Ops Rens 22 Sect	Comd 10Sect BM MASISI	NGARIYE Baudouin	Col	NK	MASISI	TUTSI	RCD/GOMA	CNDP	MUSHAKI-KAUSA	Environ 200	0993313330 0788349597
Comd 233Bde	Comd 8121Bn NGUNGU/MASISI	BUTOKI BIHAMA JULES	Lt Col	NK	MASISI	TUTSI	RCD/GOMA	CNDP	KANIRO	150	
Comd 213 Bde	Comd 2nd Ops & Rens 803Regt KASHEBERE/MASISI	NGABO Alphonse	LtCol	NK	MASISI	TUTSI	RCD/GOMA	CNDP	Malade à GOMA	15	0821734193
	ADC Gen BOSCO NTAGANDA	MASOZERA	LtCol	NK	MASISI	TUTSI	CNDP	CNDP	-	-	0994379979
	Assistant Gen BOSCO NTAGANDA	ASIKI	LtCol	P.Or	ARU	KAKWA	CNDP	CNDP	-	-	
Comd 121 Bde	Comd 8812Bn KATALE/MASISI	TAMBWE KIBEBVA	Col	Nsa	KABAMBARE	REGA	RCD/GOMA	Gov	Colline de BIHAMBWE	30	0995484099
Comd 22 Sect	Comd 811Regt	ZIMURINDA Innocent	Col	NK	MASISI	TUTSI	RCD/GOMA	CNDP	à GOMA	Reste du 811Regt environ 400	0998311300 0994817019
	Comd Cie Protec Gen Bosco	MANDEFU	Maj				CNDP	CNDP	Déjà rendu	-	

NB: Effectif total estimé des non rendu : Environ 1045 aux quels il faut ajouter la garde du Gen BOSCO NTAGANDA

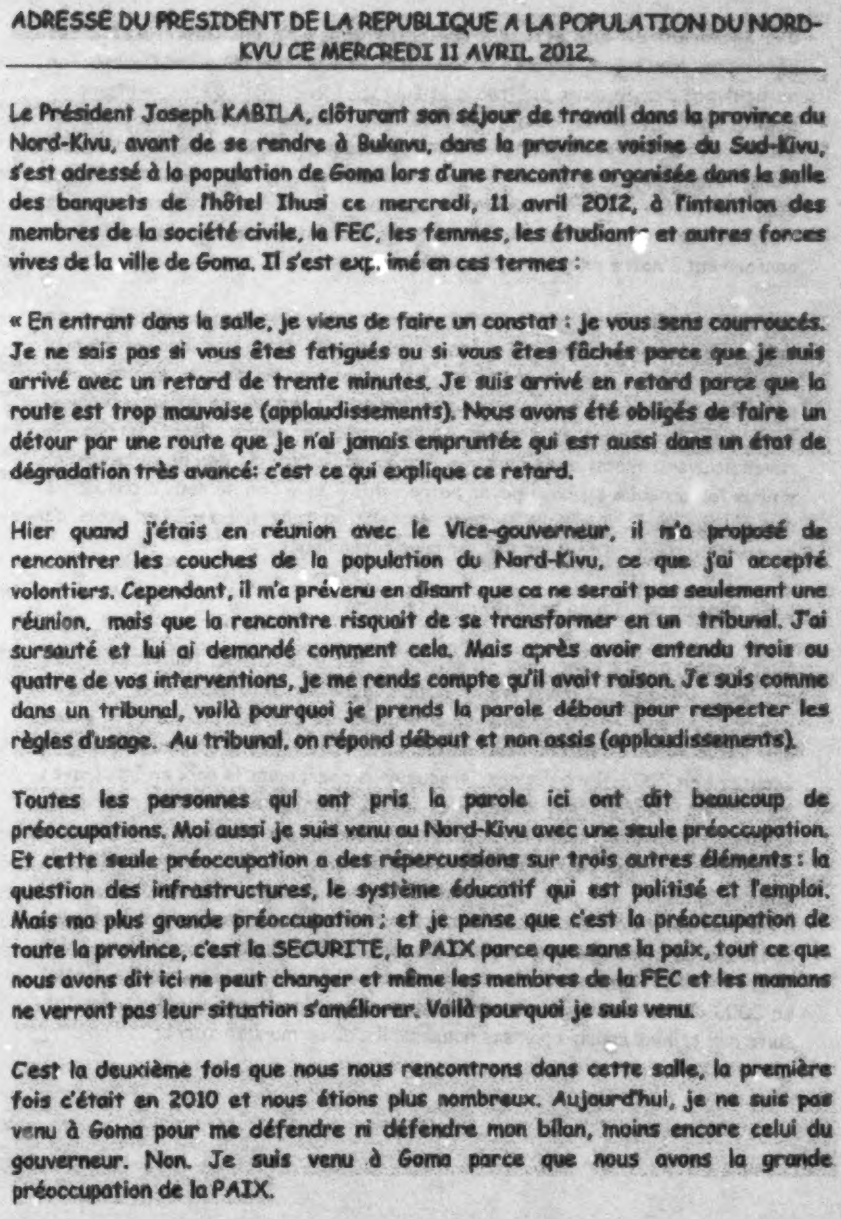
1. **Col NGARUYE (Comd 33Sect)** : avoir déplacé les Mil de PINGA vers MWESSO à partir d' certains Mil (Ex Gov) ont pris la direction de NYANZALE. Avoir dit à ses Offr de l'EM Sect qu'il pas des problèmes avec qui que ce soit et ne veut par conséquent être responsable du sang d Pers innocentes. Celui qui veut partir au Gov peut partir et celui qui veut se joindre à eux est bienvenu.
2. **LtCol KARANGWA BIHIRE JUSTIN (Comd 2nd Ops Rens 810Regt)** : Avoir fait défection av une quatre vingtaine des Mil en les déplaçant le 041900B AVR 12 de KATALE vers KAGUN avec Mat. Voici ci – dessous la liste des Offr Sup qui l'ont suivis dans la dite défection :

- LtCol MUSANGO NTOTO DAVID : Comd 2nd 8101Bn.
- LtCol GAHURU JEAN MARIE : Comd Cie Interv.
- Maj KAJIBWAMI KABONGORE JOSEPH : Chef S4 810Regt.
- Maj MUNYAWERA RUTUNGWA : Adjt S5 810Regt.
- Maj WENGA MAZAKA WILLY : Adjt S2 Sec Mil 810Regt.
- Maj KABENGA MPENZI JOHN : Chef S4 8101Bn.
- Maj MUPENZI KALIWABO : Chef S2 8101Bn.
- Maj MUTABARUKA MUSHAGARA : Chef S1 8102Bn.
- Maj KAVANGA NDAGIJE : Chef S3 8102Bn.
- Maj K[illegible]GABO RUSHINGA : Adjt S3 Ops 810Regt.
- Maj NGAGIJIMANA POREYE : Comd 2nd 3Cie 8101Bn.
- Maj NDAGIJE BOSCO : Comd 2Cie 8102Bn.
- Maj NDEKEZI JUSTIN : Comd 2nd Cie Sp 810Regt.
- Maj TCHIZURUNGU DAVID : Comd 2Cie 8101Bn.
- Maj SENGIHERA INNOCENT : Comd 2nd 2Cie 8102Bn.
- Maj KIMANJI BABONA : Comd 2nd Cie 8101Bn.

3. **LtCol BUTONI BIHAMA JULES (Comd 8121Bn) : Avoir quitté son QG à TCHUNGI dans la nuit du 04 au 05 AVR 12 pour aller s'installer à KARUBA et ses environs dans le but d'envisager des Ops contre les Mil 802Regt à SAKE et cela se réalisait dans une alerte maximale.**
4. **LtCol TAMBWE DEREVA (Comd 8102Bn) : Avoir quitté KATALE avec une Vingtaine d'hommes pour s'installer à BIHAMBWE le 03 AVR 12.**
5. LtCol INNOCENT HABARUGIRA (Comd 8032Bn) : Avoir ordonné aux escortes du LtCol NGABO (Malade) désarmer le Pl qui était déployé à KASOPO vers MAHANGA dans le but de rejoindre les Elm FDC/GUIDE à partir d'où ils feront jonction avec d'autres Mil Ex CNDP qui devraient faire défection à WALIKALE.
6. LtCol NGABO ALPHONSE (Comd 2nd Ops Rens 803Regt) : Celui – ci, quoi que malade a ordonné à ses escortes se quitter KASHEBERE pour aller rejoindre LtCol BUTONI à KANIRO pour des missions futures.
7. Col MUGISHA MUHIMUZI (Comd 812Regt) : Celui – ci doit justifier le déplacement dans la nuit du 04 AVR 12 du 8122Bn et quelques U Rait de REMEKA (UFAMANDO) vers KASAKE, NGUNGU et MH/RUBAYA. Partout ce Bn est commandé par LtCol FRABPE (Ex Gov) qui était supposé recevoir l'ordre seulement d'un Comd (Ex Gov) par rapport à la configuration de la Sit en ce moment là.

Annex 29

Extract of President Kabila's speech in Goma, April 2012



ADRESSE DU PRESIDENT DE LA REPUBLIQUE A LA POPULATION DU NORD-KVU CE MERCREDI 11 AVRIL 2012.

Le Président Joseph KABILA, clôturant son séjour de travail dans la province du Nord-Kivu, avant de se rendre à Bukavu, dans la province voisine du Sud-Kivu, s'est adressé à la population de Goma lors d'une rencontre organisée dans la salle des banquets de l'hôtel Ihusi ce mercredi, 11 avril 2012, à l'intention des membres de la société civile, la FEC, les femmes, les étudiants et autres forces vives de la ville de Goma. Il s'est exprimé en ces termes :

« En entrant dans la salle, je viens de faire un constat : je vous sens courroucés. Je ne sais pas si vous êtes fatigués ou si vous êtes fâchés parce que je suis arrivé avec un retard de trente minutes. Je suis arrivé en retard parce que la route est trop mauvaise (applaudissements). Nous avons été obligés de faire un détour par une route que je n'ai jamais empruntée qui est aussi dans un état de dégradation très avancé: c'est ce qui explique ce retard.

Hier quand j'étais en réunion avec le Vice-gouverneur, il m'a proposé de rencontrer les couches de la population du Nord-Kivu, ce que j'ai accepté volontiers. Cependant, il m'a prévenu en disant que ca ne serait pas seulement une réunion, mais que la rencontre risquait de se transformer en un tribunal. J'ai sursauté et lui ai demandé comment cela. Mais après avoir entendu trois ou quatre de vos interventions, je me rends compte qu'il avait raison. Je suis comme dans un tribunal, voilà pourquoi je prends la parole débout pour respecter les règles d'usage. Au tribunal, on répond débout et non assis (applaudissements).

Toutes les personnes qui ont pris la parole ici ont dit beaucoup de préoccupations. Moi aussi je suis venu au Nord-Kivu avec une seule préoccupation. Et cette seule préoccupation a des répercussions sur trois autres éléments : la question des infrastructures, le système éducatif qui est politisé et l'emploi. Mais ma plus grande préoccupation ; et je pense que c'est la préoccupation de toute la province, c'est la SECURITE, la PAIX parce que sans la paix, tout ce que nous avons dit ici ne peut changer et même les membres de la FEC et les mamans ne verront pas leur situation s'améliorer. Voilà pourquoi je suis venu.

C'est la deuxième fois que nous nous rencontrons dans cette salle, la première fois c'était en 2010 et nous étions plus nombreux. Aujourd'hui, je ne suis pas venu à Goma pour me défendre ni défendre mon bilan, moins encore celui du gouverneur. Non. Je suis venu à Goma parce que nous avons la grande préoccupation de la PAIX.

veut. Cependant, qu'il n'aille pas prendre une autre arme pour devenir un coupeur de routes ou s'enrôler au sein d'un groupe armé…

J'ai également dit aux officiers que notre armée n'a pas besoin d'officiers affairistes parce que l'armée est une vocation. C'est comme dans l'Eglise: l'on ne peut pas servir deux maîtres à la fois. Si l'on choisit d'être militaire ou homme d'affaire, il faut consacrer 100% de sn temps à l'activité choisie. Pour les militaires, l'exigence de l'Etat est de consacrer 100% du temps à l'armée. Nous n'avons pas besoin des officiers affairistes. Nous les avons d'ailleurs déjà identifiés et certainement nous devons maintenant prendre des mesures : soit ils quittent l'armée, soit ils restent au sein de l'armée et se conforment à notre exigence. *(applaudissements)*

La dernière chose que je leur ai dite, c'est une question de maturité et de degré de compréhension. Il y en a qui disent qu'il y a des problèmes administratifs au sein de notre armés. Chaque armée dans le monde a ses problèmes. Et chaque armée a ses structures. Quand vous avez un problème, vous savez comment l'exprimer et les voies à suivre. Dans l'armée la revendication collective n'existe pas. Par exemple qu'il ait des gens qui disent « nous l'on a oublié de nous payer notre solde » ou « l'on ne nous a pas donné des grades parce que nous sommes de telle ou telle tribu »… Les voies de recours existent ; il faut les utiliser pour revendiquer.

Voilà donc ce que j'ai en bref dit aux officiers.

Mais avant de terminer ce chapitre de sécurité et je l'ai rappelé aux officiers, il y a le cas d'un officier qu'on appelle Bosco NTAGANDA -et je ne sais pas pourquoi vous avez peur de citer son nom. L'on m'a dit que c'est parce que Bosco NTAGANDA a peur d'être arrêté qu'il y a « un deux trois.. » ; écoutez ! En 2002, il y a dix ans, lorsque nous cherchions la paix en Ituri, avec les Thomas Lubanga, chef Kawa et les autres, (nombreux sont déjà en prison), j'avais dit à Thomas LUBANGA d'arrêter immédiatement ce qu'il était en train de faire parce que ce n'était pas bon. Il faisait semblant et promettait de stopper, mais il continuait. Et comme résultat, il a eu un mandant d'arrêt et il a été mis en prison. De même, et c'est fort dommage, j'avais dit à un ancien collaborateur vice-président, Jean-Pierre BEMBA quand il avait envoyé des gens faire de l'aventure en Centre-Afrique : à la veille de la transition, c'était en 2003. Je lui avais interdit de le faire, il ne m'avait pas écouté : résultat, suite aux crimes commis par ses hommes, il a eu un mandat d'arrêt.

Maintenant il se fait qu'il y a un homme qu'on appelle Général Bosco NTAGANDA qui, lui aussi, a un mandant d'arrêt international. A chaque passage ici à Goma, la question suivante m'est posée : « pourquoi vous ne transférez pas Bosco à la CPI ? ». J'ai toujours donné la même réponse. Mais aujourd'hui je vais vous donner une autre réponse. Cependant ma position n'a jamais changé et c'est la réponse que j'ai donné aux officiers avec qui j'étais hier. Avec l'indiscipline qu'on a vécue ici, l'on n'a pas besoin d'arrêter et de transférer Bosco à la CPI. Nous pouvons nous-mêmes l'arrêter car nous avons plus de cent raisons de l'arrêter et de le juger ici ou à Kinshasa. Ce ne sont pas les raisons qui nous manquent.

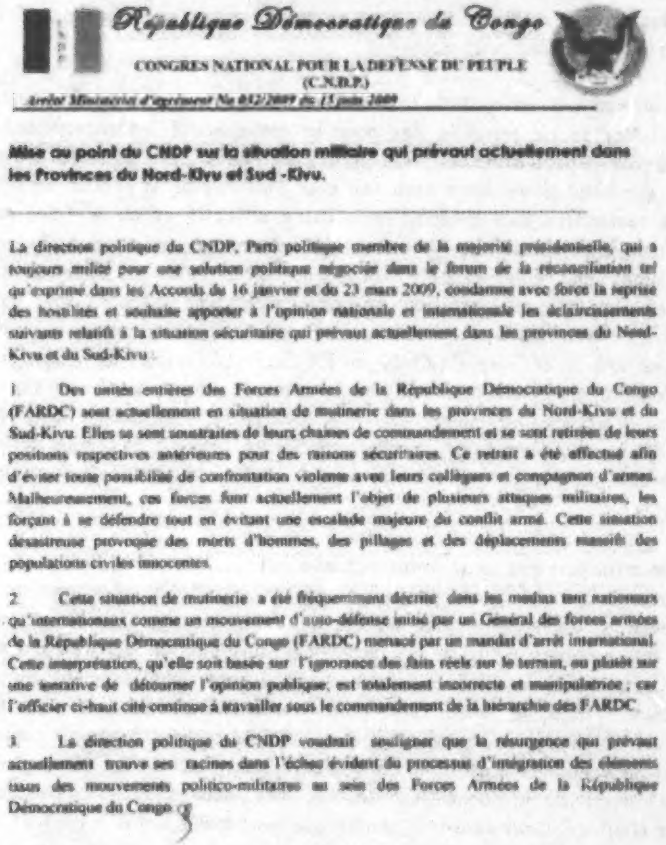
L'on me dit que la pression de la communauté internationale va continuer. Mais écoutez ! Moi je ne travaille pas pour la communauté internationale. Je travaille pour la population congolaise toute entière et celle du Nord-Kivu. Et tout ce que nous allons faire sera fait pour l'intérêt de la population. Nous pouvons commettre des erreurs, mais notre objectif et de le faire pour l'intérêt de la population du Nord-Kivu. Concrètement, cette indiscipline que nous sommes venu régler ici, s'il y a un seul autre cas, cela nous donnera raison d'arrêter n'importe quel officier, en commençant par Bosco et tout autre officier. Et cette fois-ci, et je vais terminer par là, il ne faudra pas qu'on dise qu'on a arrêté un officier Ex-CNDP ou EX-Ceci... D'ailleurs hier j'ai interdit formellement au commandement de l'armée de continuer à utiliser les vocables officiers « ex-gouvernement », « ex-faz », « ex-cndp », etc. Nous n'avons qu'une seule armée et on commandement est unique et chaque officier qui se trouve au sein de cette armée doit se sentir officier du Congo, point à la ligne !

Ainsi, la situation que nous avons actuelle est que j'ai dit qu'il y aura des changements, je ne peux pas aller dans les détails, changement des commandants, changement des unités. Ceux qui ont manifestement voulu semer des troubles ou faire la guerre, certains ont fui jusqu'en Ouganda après leur tentative, d'autres comme Bernard sont dans les montagnes de Minembwe et nous le traquons et nous l'aurons et que sa communauté ne vienne pas me dire de le libérer, le colonel Kahasha se trouve quelque par dans la forêt de Beni dans le grand-Nord et d'autres sont aux arrêts. Et peut-être avec le travail de la commission de discipline, nous allons continuer à en arrêter d'autres. C'est cela la situation que nous avons actuellement et nous allons continuer à travailler pour nous assurer que la situation est sous contrôle à 100% dans le Nord-Kivu et la Province du Sud-Kivu. »

Traduit du Kiswahili par la Rédaction de VBR-Fm, 98,5Mhz
Virunga Business Radio (Goma) / +243990014671

Annex 30

CNDP communiqué stating that while combats were ongoing in Masisi, General Ntaganda continued belonging to the FARDC hierarchy



République Démocratique du Congo

CONGRES NATIONAL POUR LA DEFENSE DU PEUPLE
(C.N.D.P.)

Arrêté Ministériel d'agrément No 032/2009 du 15 juin 2009

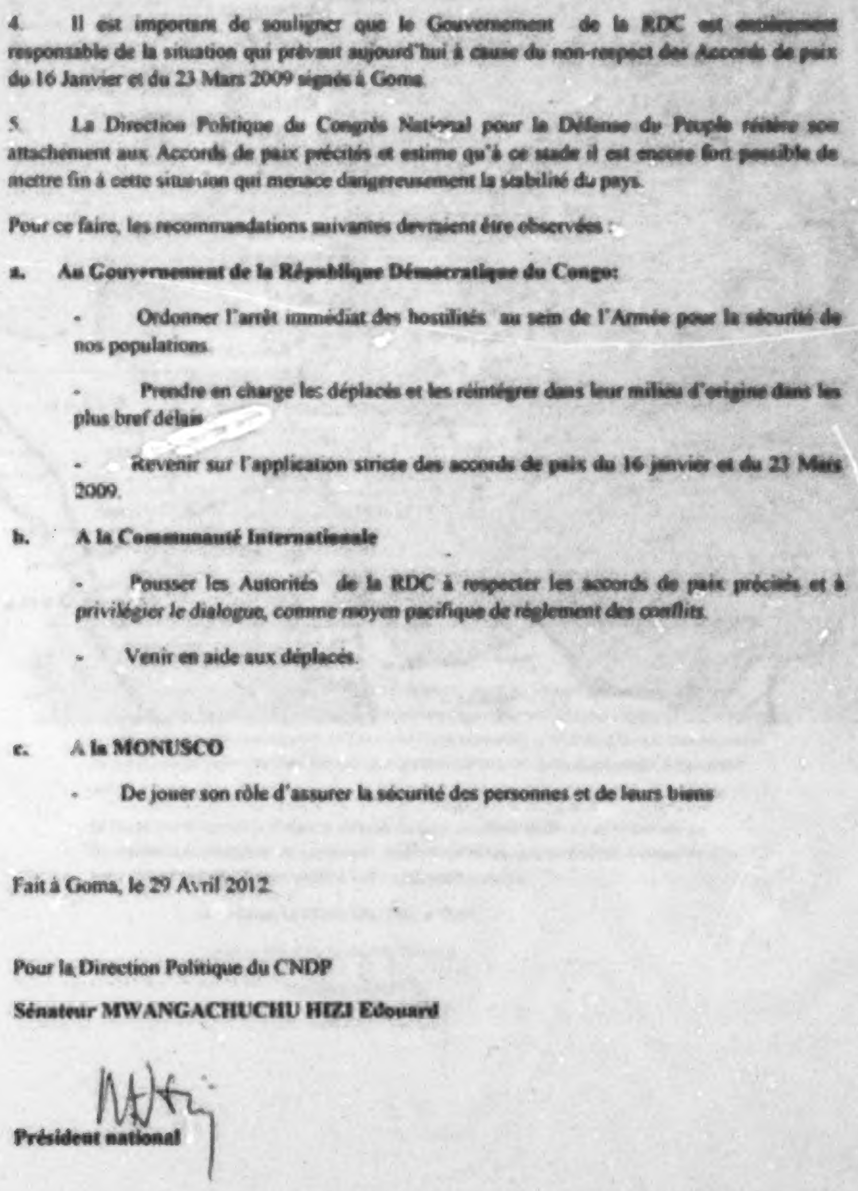
Mise au point du CNDP sur la situation militaire qui prévaut actuellement dans les Provinces du Nord-Kivu et Sud -Kivu.

La direction politique du CNDP, Parti politique membre de la majorité présidentielle, qui a toujours milité pour une solution politique négociée dans le forum de la réconciliation tel qu'exprimé dans les Accords du 16 janvier et du 23 mars 2009, condamne avec force la reprise des hostilités et souhaite apporter à l'opinion nationale et internationale les éclaircissements suivants relatifs à la situation sécuritaire qui prévaut actuellement dans les provinces du Nord-Kivu et du Sud-Kivu :

1. Des unités entières des Forces Armées de la République Démocratique du Congo (FARDC) sont actuellement en situation de mutinerie dans les provinces du Nord-Kivu et du Sud-Kivu. Elles se sont soustraites de leurs chaînes de commandement et se sont retirées de leurs positions respectives antérieures pour des raisons sécuritaires. Ce retrait a été effectué afin d'éviter toute possibilité de confrontation violente avec leurs collègues et compagnon d'armes. Malheureusement, ces forces font actuellement l'objet de plusieurs attaques militaires, les forçant à se défendre tout en évitant une escalade majeure du conflit armé. Cette situation désastreuse provoque des morts d'hommes, des pillages et des déplacements massifs des populations civiles innocentes.

2. Cette situation de mutinerie a été fréquemment décrite dans les medias tant nationaux qu'internationaux comme un mouvement d'auto-défense initié par un Général des forces armées de la République Démocratique du Congo (FARDC) menacé par un mandat d'arrêt international. Cette interprétation, qu'elle soit basée sur l'ignorance des faits réels sur le terrain, ou plutôt sur une tentative de détourner l'opinion publique, est totalement incorrecte et manipulatrice ; car l'officier ci-haut cité continue à travailler sous le commandement de la hiérarchie des FARDC.

3. La direction politique du CNDP voudrait souligner que la résurgence qui prévaut actuellement trouve ses racines dans l'échec évident du processus d'intégration des éléments issus des mouvements politico-militaires au sein des Forces Armées de la République Démocratique du Congo.



4. Il est important de souligner que le Gouvernement de la RDC est entièrement responsable de la situation qui prévaut aujourd'hui à cause du non-respect des Accords de paix du 16 Janvier et du 23 Mars 2009 signés à Goma.

5. La Direction Politique du Congrès National pour la Défense du Peuple réitère son attachement aux Accords de paix précités et estime qu'à ce stade il est encore fort possible de mettre fin à cette situation qui menace dangereusement la stabilité du pays.

Pour ce faire, les recommandations suivantes devraient être observées :

a. Au Gouvernement de la République Démocratique du Congo:

- Ordonner l'arrêt immédiat des hostilités au sein de l'Armée pour la sécurité de nos populations.
- Prendre en charge les déplacés et les réintégrer dans leur milieu d'origine dans les plus bref délais.
- Revenir sur l'application stricte des accords de paix du 16 janvier et du 23 Mars 2009.

b. A la Communauté Internationale

- Pousser les Autorités de la RDC à respecter les accords de paix précités et à *privilégier le dialogue, comme moyen pacifique de règlement des conflits.*
- Venir en aide aux déplacés.

c. A la MONUSCO

- De jouer son rôle d'assurer la sécurité des personnes et de leurs biens

Fait à Goma, le 29 Avril 2012.

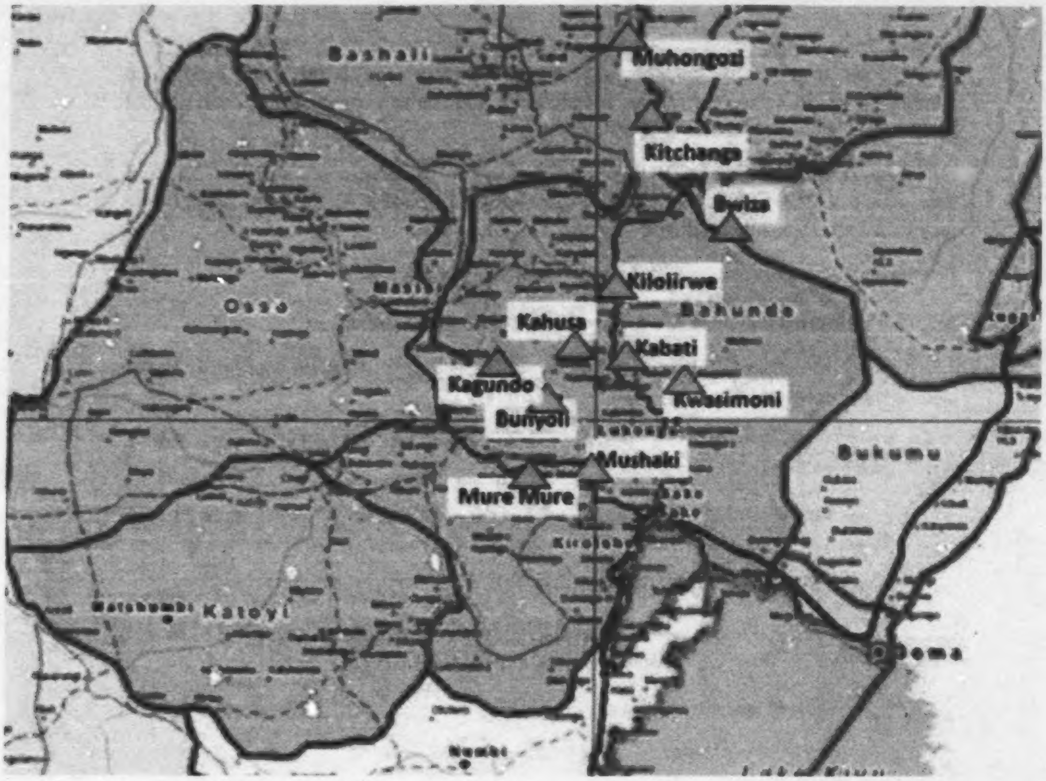
Pour la Direction Politique du CNDP

Sénateur MWANGACHUCHU HIZI Edouard

Président national

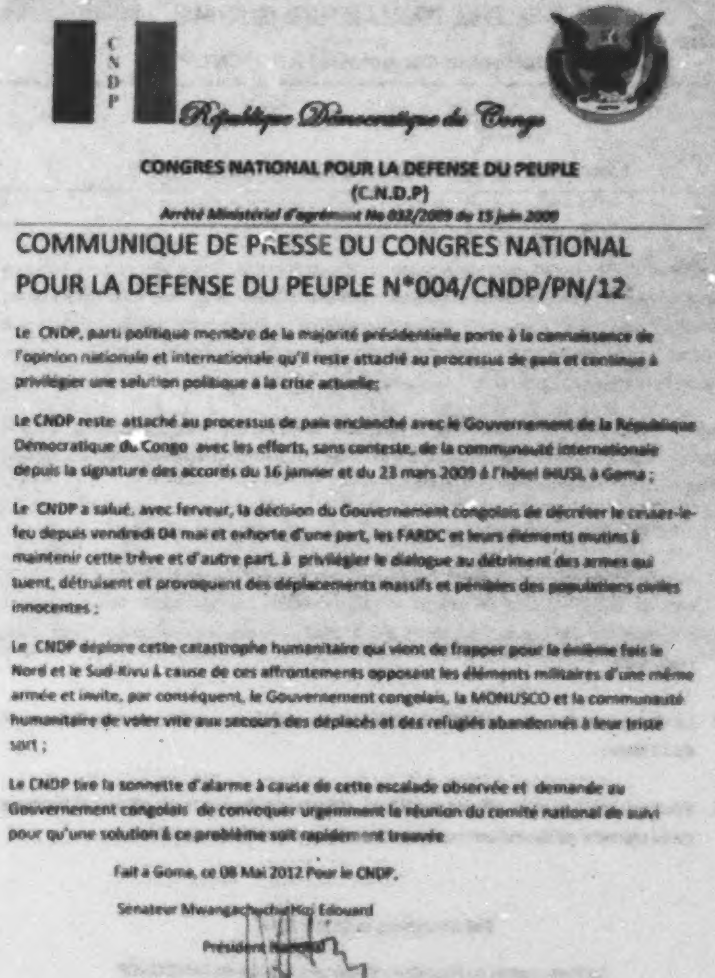
Annex 31

Positions held by mutineers in Masisi


Bashali
Muhongozi
Kitchanga
Bwiza
Masisi
Osso
Kilolirwe
Bahunde
Kahusa
Kabati
Kagundo
Kwasimoni
Bunyoli
Bukumu
Mushaki
Mure Mure
Sake
Katoyi
Goma
Numbi
Lake Kivu

Annex 32

CNDP communiqué acknowledging the 4 May 2012 five-day ceasefire announced by FARDC, though the mutineers attacked FARDC in Kibumba on 8 May 2012



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République Démocratique du Congo

CONGRES NATIONAL POUR LA DEFENSE DU PEUPLE
(C.N.D.P)
Arrêté Ministériel d'agrément No 032/2009 du 15 juin 2009

COMMUNIQUE DE PRESSE DU CONGRES NATIONAL POUR LA DEFENSE DU PEUPLE N*004/CNDP/PN/12

Le CNDP, parti politique membre de la majorité présidentielle porte à la connaissance de l'opinion nationale et internationale qu'il reste attaché au processus de paix et continue à privilégier une solution politique a la crise actuelle;

Le CNDP reste attaché au processus de paix enclenché avec le Gouvernement de la République Démocratique du Congo avec les efforts, sans conteste, de la communauté internationale depuis la signature des accords du 16 janvier et du 23 mars 2009 à l'hôtel IHUSI, à Goma ;

Le CNDP a salué, avec ferveur, la décision du Gouvernement congolais de décréter le cessez-le-feu depuis vendredi 04 mai et exhorte d'une part, les FARDC et leurs éléments mutins à maintenir cette trêve et d'autre part, à privilégier le dialogue au détriment des armes qui tuent, détruisent et provoquent des déplacements massifs et pénibles des populations civiles innocentes ;

Le CNDP déplore cette catastrophe humanitaire qui vient de frapper pour la énième fois le Nord et le Sud-Kivu à cause de ces affrontements opposant les éléments militaires d'une même armée et invite, par conséquent, le Gouvernement congolais, la MONUSCO et la communauté humanitaire de voler vite aux secours des déplacés et des refugiés abandonnés à leur triste sort ;

Le CNDP tire la sonnette d'alarme à cause de cette escalade observée et demande au Gouvernement congolais de convoquer urgemment la réunion du comité national de suivi pour qu'une solution à ce problème soit rapidement trouvée

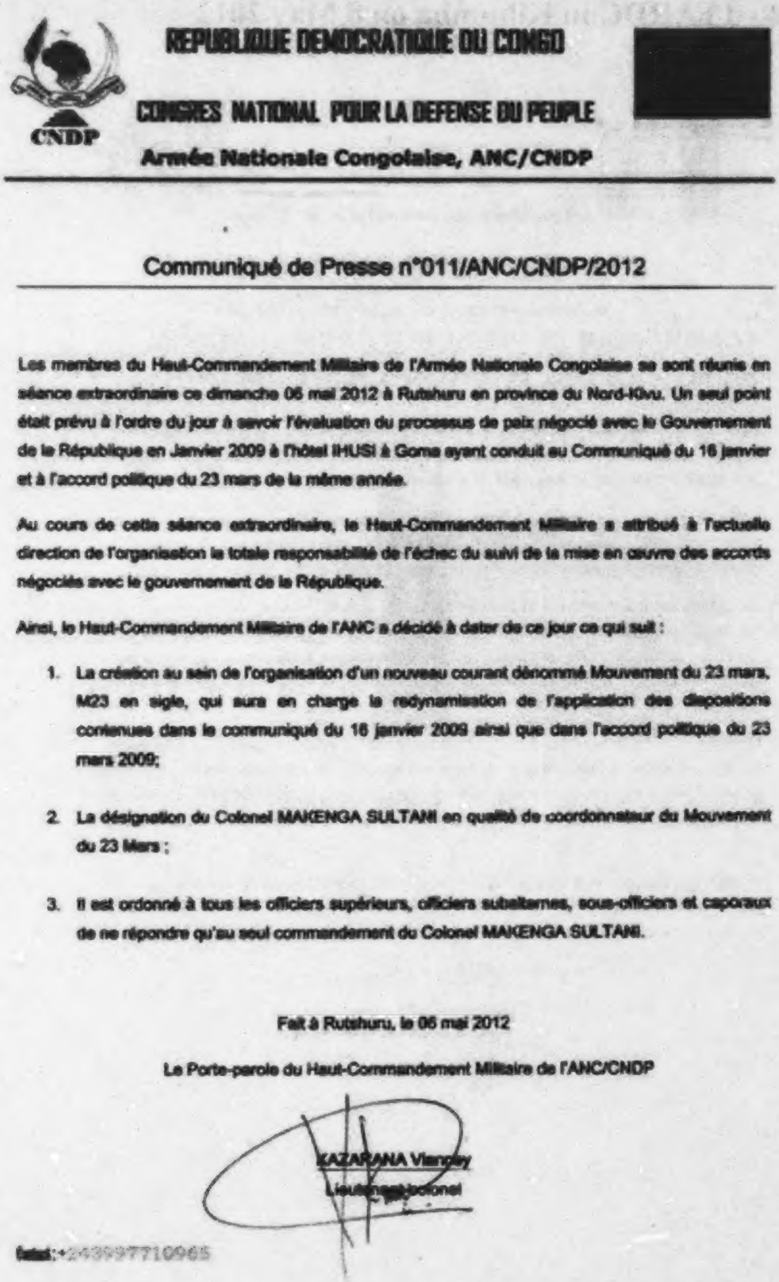
Fait a Goma, ce 08 Mai 2012 Pour le CNDP.

Sénateur MwangachuchuHizi Edouard

Président National

Annex 33

CNDP communiqué announcing the creation of M23



REPUBLIQUE DEMOCRATIQUE DU CONGO

CONGRES NATIONAL POUR LA DEFENSE DU PEUPLE

Armée Nationale Congolaise, ANC/CNDP

CNDP

[redacted]

Communiqué de Presse n°011/ANC/CNDP/2012

Les membres du Haut-Commandement Militaire de l'Armée Nationale Congolaise se sont réunis en séance extraordinaire ce dimanche 06 mai 2012 à Rutshuru en province du Nord-Kivu. Un seul point était prévu à l'ordre du jour à savoir l'évaluation du processus de paix négocié avec le Gouvernement de la République en Janvier 2009 à l'hôtel IHUSI à Goma ayant conduit au Communiqué du 16 janvier et à l'accord politique du 23 mars de la même année.

Au cours de cette séance extraordinaire, le Haut-Commandement Militaire a attribué à l'actuelle direction de l'organisation la totale responsabilité de l'échec du suivi de la mise en œuvre des accords négociés avec le gouvernement de la République.

Ainsi, le Haut-Commandement Militaire de l'ANC a décidé à dater de ce jour ce qui suit :

1. La création au sein de l'organisation d'un nouveau courant dénommé Mouvement du 23 mars, M23 en sigle, qui aura en charge la redynamisation de l'application des dispositions contenues dans le communiqué du 16 janvier 2009 ainsi que dans l'accord politique du 23 mars 2009;

2. La désignation du Colonel MAKENGA SULTANI en qualité de coordonnateur du Mouvement du 23 Mars ;

3. Il est ordonné à tous les officiers supérieurs, officiers subalternes, sous-officiers et caporaux de ne répondre qu'au seul commandement du Colonel MAKENGA SULTANI.

Fait à Rutshuru, le 06 mai 2012

Le Porte-parole du Haut-Commandement Militaire de l'ANC/CNDP

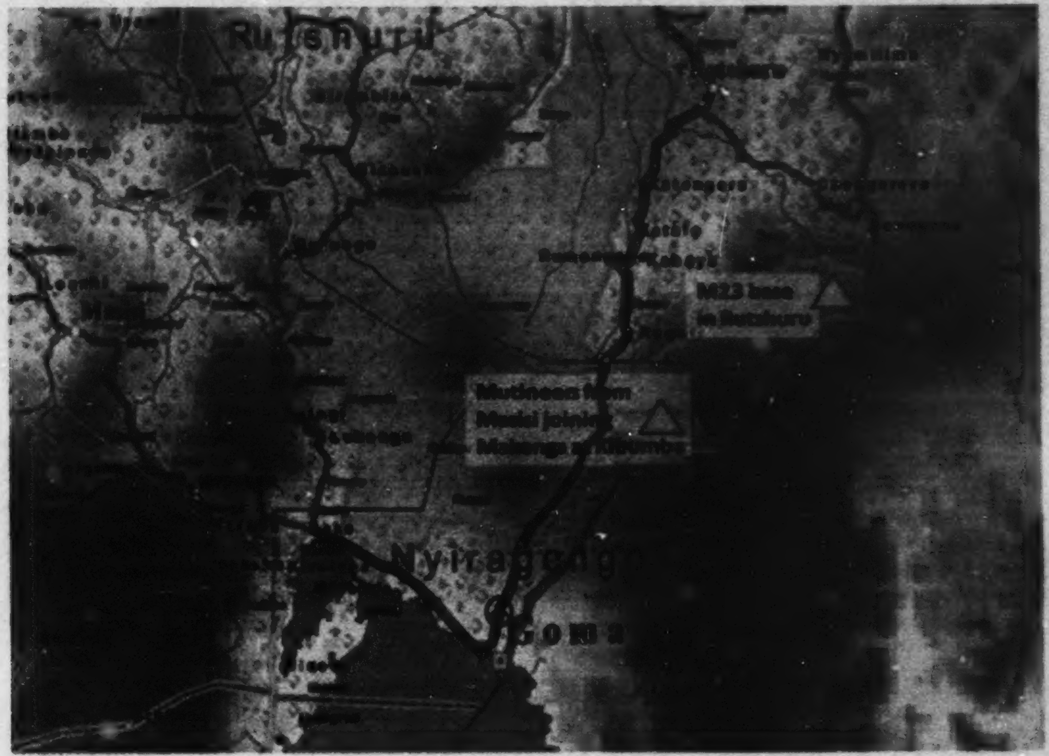
KAZARANA Vianney

Lieutenant-colonel

[illegible]:+243997710965

Annex 34

Mutineer and M23 positions in Rutshuru

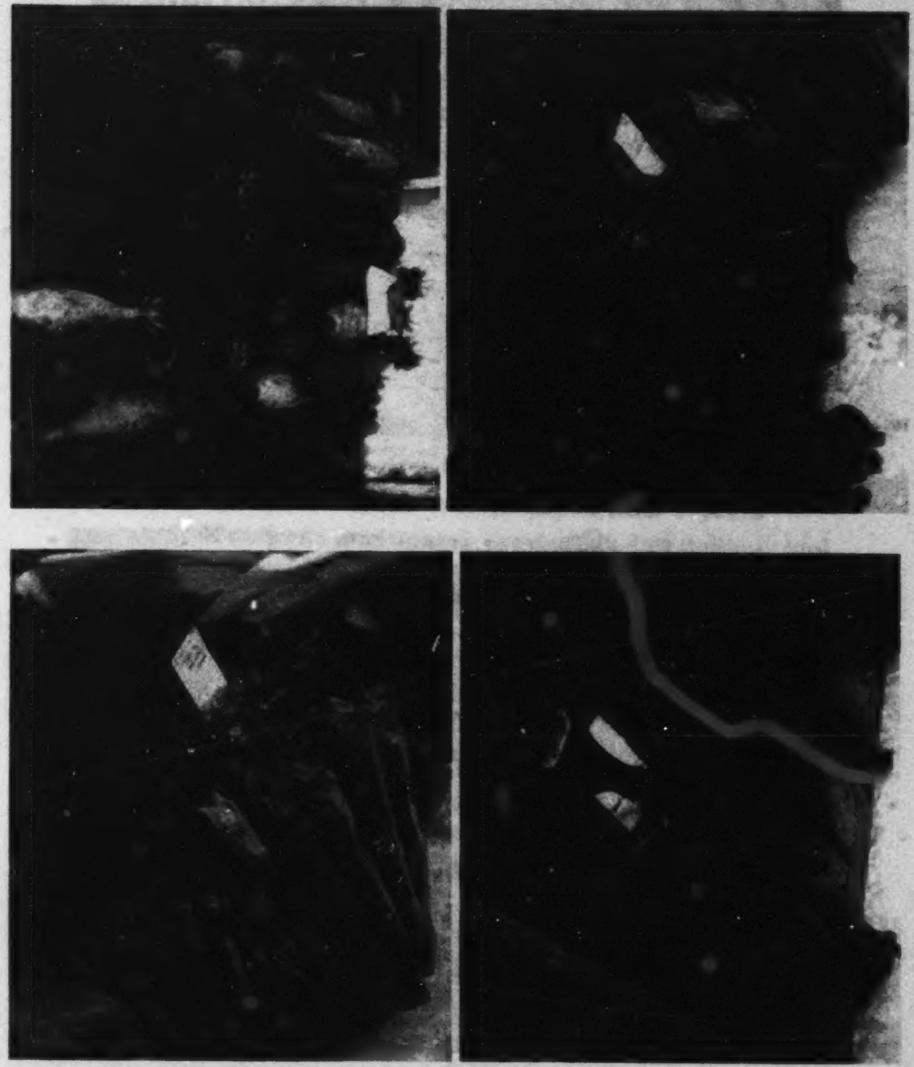

Rutshuru
M23 base in Rutshuru
Mutineers from Masisi joining Makenga in Kibumba
Masisi
Nyiragongo
Goma

Annex 35

Aerial photograph of General Ntaganda's farm in Mushaki, where one of his arms caches was seized

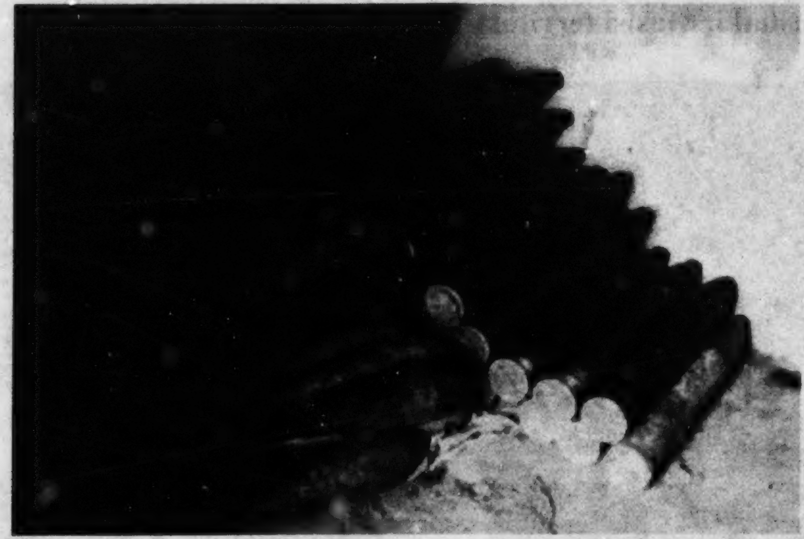
Annex 36

Photographs of light and heavy weapons recovered from General Ntaganda's farm on 8 May 2012 after Government forces dislodged ex-CNDP mutineers from Mushaki, Masisi territory



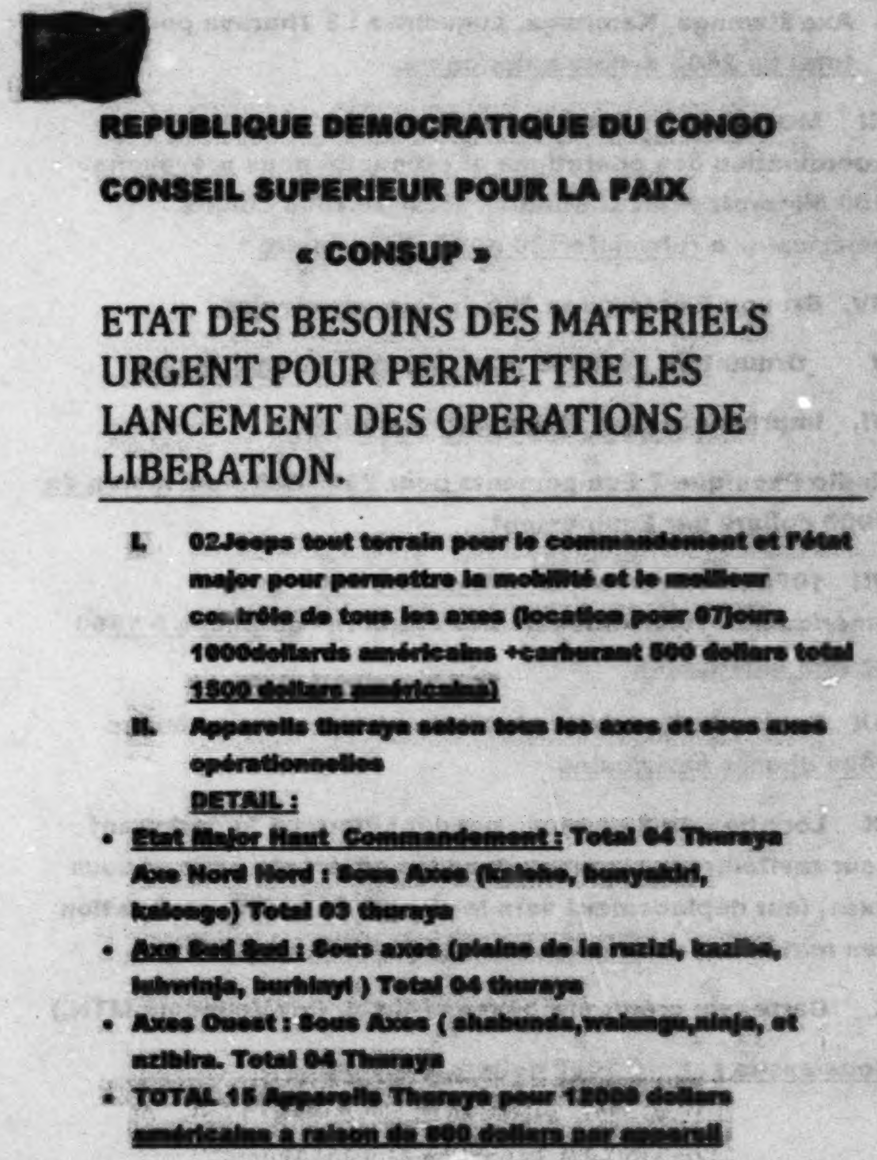
nnex 37

Photographs of weapons seized from Colonel Makenga's private arms cache in Nyamunyoni



Annex 38

CONSUP letter soliciting financial and material support



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REPUBLIQUE DEMOCRATIQUE DU CONGO

CONSEIL SUPERIEUR POUR LA PAIX

« CONSUP »

ETAT DES BESOINS DES MATERIELS URGENT POUR PERMETTRE LES LANCEMENT DES OPERATIONS DE LIBERATION.

I. 02Jeeps tout terrain pour le commandement et l'état major pour permettre la mobilité et le meilleur contrôle de tous les axes (location pour 07)jours 1000dollards américains +carburant 500 dollars total 1500 dollars américains)

II. Apparells thuraya selon tous les axes et sous axes opérationnelles

DETAIL :

- **Etat Major Haut Commandement : Total 04 Thuraya Axe Nord Nord : Sous Axes (kalehe, bunyakiri, kalonge) Total 03 thuraya**
- **Axe Sud Sud : Sous axes (plaine de la ruzizi, kaziba, luhwinja, burhinyi) Total 04 thuraya**
- **Axes Ouest : Sous Axes (shabunda,walungu,ninja, et nzibira. Total 04 Thuraya**
- **TOTAL 15 Apparells Thuraya pour 12000 dollars américains a raison de 800 dollars par appareil**

- **Axe Mwenga, Kamituga, Lugushwa : 3 Thuraya pour un total de 2400 dollars americains.**

III MOTOROLA : Selon les axes et pour des raisons coordination des opérations et efficacité nous prévoyons 100_Motorola représentant un total de 7500 dollars américains a raison de 150 d0llards par paire

IV. Groupe Electrogène 200 dollars américains.

V _Ordinateur portable pour 700 dollars américains

VI. Imprimante pour 300 dollars américains

Radio Phonique 7 Equipements pour 7000 dollars à raison de 1000 dollars par Equipement

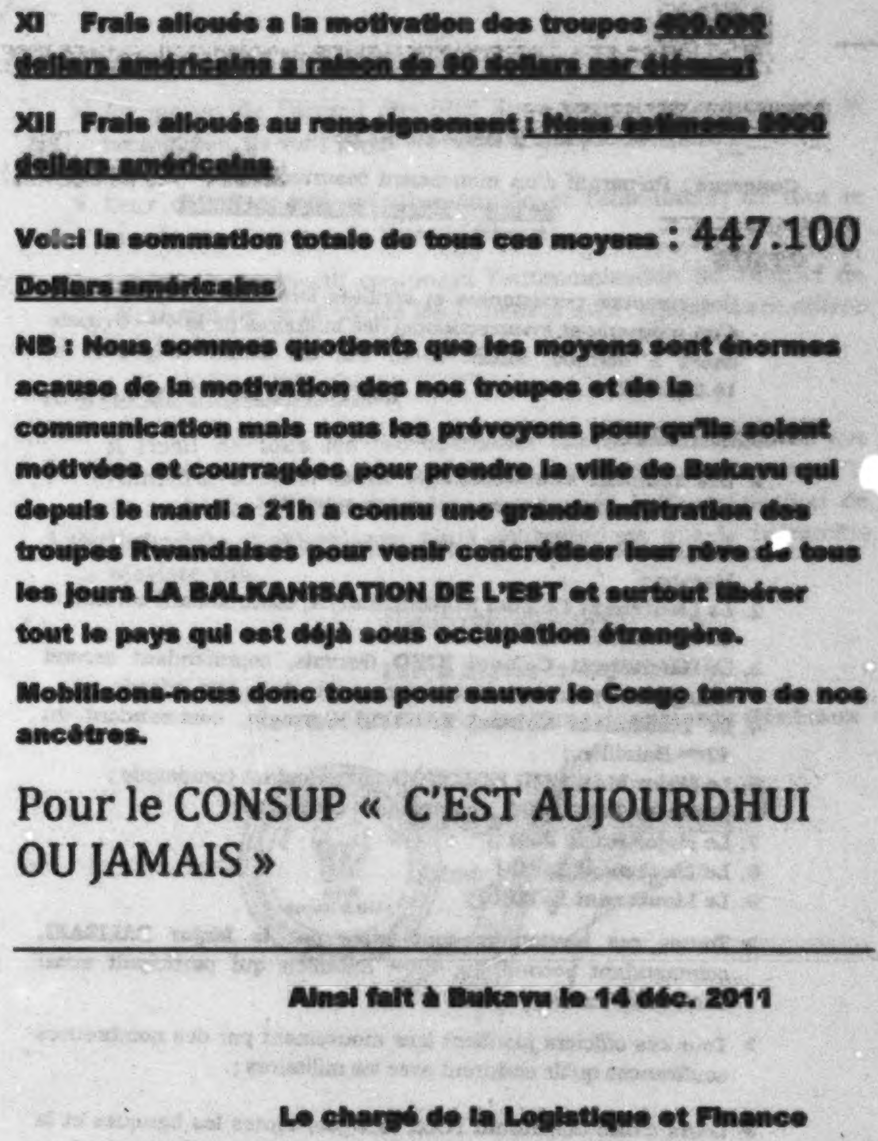
VII 10Panneaux solaires estimées a 2000 dollars américains +10batteries de 200 empaires estimées a 1500 dollars américains

IIX Pour achat produits pharmaceutique nous estimons 2000 dollars américains

IX Location de 2 camions pendant 7jours + le carburant pour ravitailler les troupes dans les différents axes et sous axes, leur déplacement vers le champ de batail, évacuation des matériels, nous prévoyons 3000 dollars américains

X Cartes de crédit pré payées (Airtel, Cct,Vodacom,MTN.)

Nous avons estimé 2000 dollars américains



XI Frais alloués a la motivation des troupes 400.000 dollars américains a raison de 80 dollars par élément

XII Frais alloués au renseignement : Nous estimons 8000 dollars américains

Voici la sommation totale de tous ces moyens : 447.100 **Dollars américains**

NB : Nous sommes quotients que les moyens sont énormes acause de la motivation des nos troupes et de la communication mais nous les prévoyons pour qu'ils soient motivées et courragées pour prendre la ville de Bukavu qui depuis le mardi a 21h a connu une grande infiltration des troupes Rwandaises pour venir concrétiser leur rêve de tous les jours LA BALKANISATION DE L'EST et surtout libérer tout le pays qui est déjà sous occupation étrangère.

Mobilisons-nous donc tous pour sauver le Congo terre de nos ancêtres.

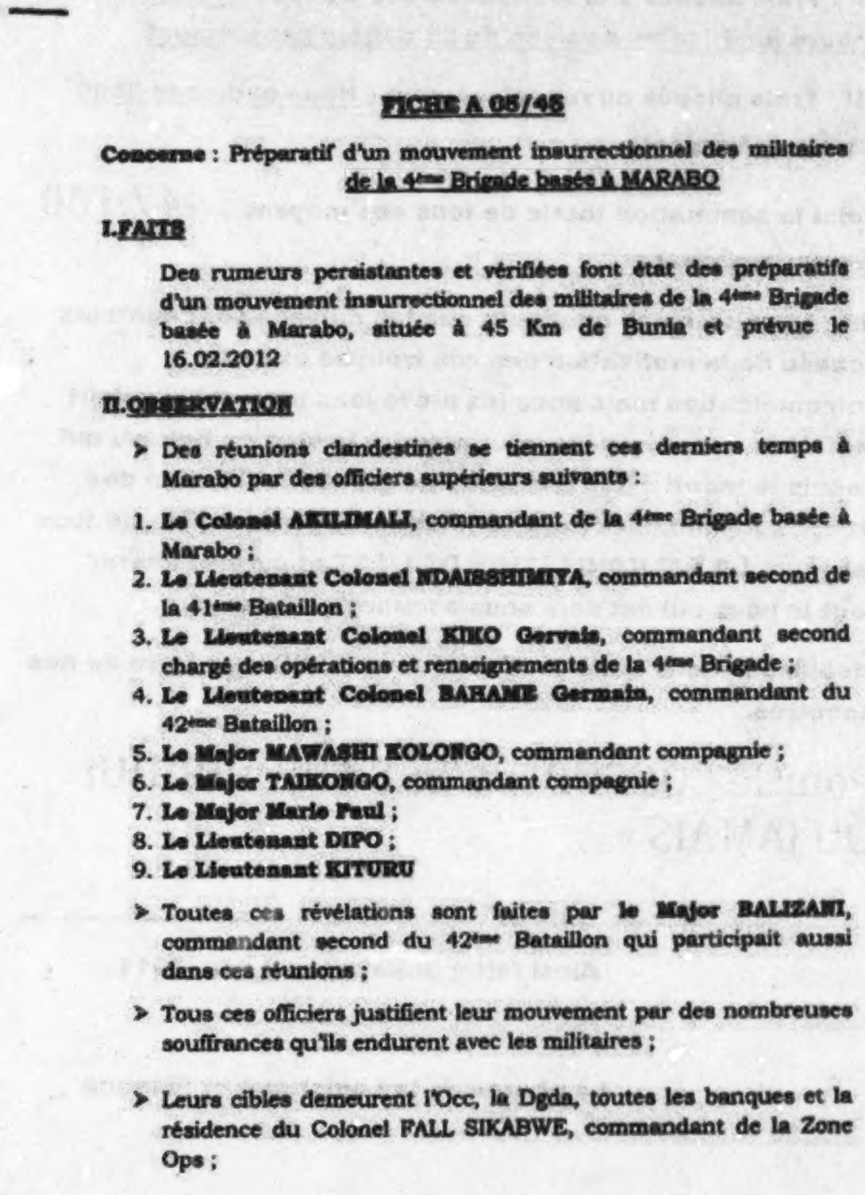
Pour le CONSUP « C'EST AUJOURDHUI OU JAMAIS »

Ainsi fait à Bukavu le 14 déc. 2011

Le chargé de la Logistique et Finance

Annex 39

FARDC document on mutineers in Ituri



FICHE A 05/48

Concerne : Préparatif d'un mouvement insurrectionnel des militaires de la 4ème Brigade basée à MARABO

I.FAITS

Des rumeurs persistantes et vérifiées font état des préparatifs d'un mouvement insurrectionnel des militaires de la 4ème Brigade basée à Marabo, située à 45 Km de Bunia et prévue le 16.02.2012

II.OBSERVATION

- **Des réunions clandestines se tiennent ces derniers temps à Marabo par des officiers supérieurs suivants :**

1. **Le Colonel AKILIMALI**, commandant de la 4ème Brigade basée à Marabo ;
2. **Le Lieutenant Colonel NDAISSHIMIYA**, commandant second de la 41ème Bataillon ;
3. **Le Lieutenant Colonel KIKO Gervais**, commandant second chargé des opérations et renseignements de la 4ème Brigade ;
4. **Le Lieutenant Colonel BAHAME Germain**, commandant du 42ème Bataillon ;
5. **Le Major MAWASHI KOLONGO**, commandant compagnie ;
6. **Le Major TAIKONGO**, commandant compagnie ;
7. **Le Major Mario Paul** ;
8. **Le Lieutenant DIPO** ;
9. **Le Lieutenant KITURU**

- **Toutes ces révélations sont faites par le Major BALIZANI, commandant second du 42ème Bataillon qui participait aussi dans ces réunions ;**

- **Tous ces officiers justifient leur mouvement par des nombreuses souffrances qu'ils endurent avec les militaires ;**

- **Leurs cibles demeurent l'Occ, la Dgda, toutes les banques et la résidence du Colonel FALL SIKABWE, commandant de la Zone Ops ;**

- Au moyen de l'argent récupéré dans toutes ces entreprises ci haut citées, ils vont payer 100USD à chaque militaire ;
- Leur deuxième objectif, l'arrestation et l'élimination de tout le monde qui n'est pas de leur obédience ;
- Le troisième objectif comprend l'autonomisation du District de l'Ituri afin de gérer toutes les richesses qu'il regorge entre autres l'or, les bois, le pétrole.

III. AVIS ET CONSIDERATION

A l'issu de tous les recoupements effectués au sujet de ces rumeurs, il s'est avéré que cette insurrection est prévue le 16.02.2012. C'est pourquoi pour prévenir la concrétisation de leur plan machiavélique, nous souhaiterions que la hiérarchie réagisse vite.

Haute considération

Fait à Bunia, le 13/02/2012

Le Chef de Centre des Renseignements Généraux

[illegible]ton EUA[illegible]BA SIHONGA

Administrateur Adjoint

FICHE CHRONOLOGIQUE DES EVENEMENTS DANS LE SUD IRUMU

Dates	Faits/ Evénements	Observation
9 février 2012	Un groupe d'Officiers de la 4 eme Brigade Intégrée de la Zone Opérationnelle SAFISHA, entre en mutinerie contre la hierarchie et demande dans un memo signé en date du 9 février 2012, la démission du Ministre de la Défense, la reconsidération de leurs émoluments et salaires. Ils ont dénoncé la mauvaise gestion des ressources de l'armée par le Commandant de la Zone Opérationnelle	La mutinerie a commencé à Marabo, situé à 45 km au Sud de Bunia, QG de ladite brigade
12 février 2012	Envoi par le gouvernement central d'une délégation a la tête de laquelle, le General Gabriel AMISI Chef d'Etat Major des Forces Terrestres, en vue d'entamer des négociations avec les mutins.	Les mutins avaient refusé de discuter avec la hierarchie locale qu'ils accusent d'abus des biens de l'armée
13 février 2012	La délégation venue de Kinshasa s'est rendue à Marabo en vue d'engager des pourparlers avec les mutins. Le General AMISI n'a pas pu répondre aux doléances des mutins et est rentré à Bunia le même jour pour contacter Kinshasa et recevoir les orientations et la conduite à tenir	Les mutins dans leur memo, ont demandé leur représentation à l'assemblée nationale dans un pays ou l'armée et la police ne votent pas encore
15 février 2012	Accord entre les mutins et le gouvernement. La décision finale, procéder à la regimentation de toutes les unités de la Zone Opérationnelle. Ainsi 6000 des 7000 éléments de la Zone vont suivre ce recyclage de 45 jours dans 4 sites à savoir Djugu, Marabo, Katanga et Rwampara	Les mutins n'ont pas fait de déclaration pour informer de leur décision de reprendre les rangs de l'armée.
	La délégation participe à la Réunion du Joc du et partage les conclusions des accords avec les mutins. Des préoccupations ont été présentées par les sections substantives sur la question de protection, si les FARDC évacuent leurs positions stratégiques. Le Commandant FALL répond en disant que la Police se joindra aux 900 soldats restant pour assurer la protection des civils. Il ajoute que le Sud Irumu sera sécurisé jusqu' à Aveba, Gety, Bogoro	Le Général Moya Jean Paul Conseiller en sécurité du Chef d'Etat Major a été présenté et désigné comme instructeur chargé du recyclage

19 février 2012	6000 es 7000 éléments d es F ARDC de la Zone opérationnelle Safisha ont quitté leurs postions stratégiques dans le Sud Irumu pour rejoindre les 4 sites de recyclage	Toutes les positions ont été abandonnées. Les 900 FARDC sont restés dans le Sud Irumu sur l'axe Bunia jusqu'à Aveba et Gety. Bukiringi est aussi évacué à la même date du 19 février 2012
23 février 2012	Plus de 500 miliciens du FRPI à la tête desquels leur Commandant suprême Monsieur BANALOKI Justin dit COBRA MATATA, ont envahi le village de Bukiringi. Ils se sont adressés à la population en disant qu'ils ne sont pas là pour faire du mal mais qu'ils sont sortis de la forêt parce que les FARDC sont partis et qu'ils sont prêts pour la paix si le gouvernement accepte. Ils ont v oulu o ccuper l es i nstallations de s F ARDC, mais le Commandant du COB les a demandé de ne pas s'installer au sein de la population. Ils ont occupé finalement la paroisse CE 39 à 3 km au Sud de Bukiringi	La population s'est solidarisée rapidement aux mutins et les leaders locaux de la place ont mis en place un mécanisme de collecte de fonds dans les 28 localités du groupement pour prendre en charge les mutins
24 février 2012	Ils ont rédigent et envoyé un memo au gouvernement central dans lequel ils ont exprimé leur volonté de faire la paix et d'intégrer les FARDC. Ils ont par ailleurs posé des préalables et des desiderata	Au titre des préalables et desiderata, ils ont demandé l'amnistie, la reconnaissance de leurs grades tels que proposés par le FRPI, leur intégration et brassage en Ituri entre autres
26 février 2012	Envoi par le gouvernement d'une mission conjointe District Ituri/MONUSCO pour rencontrer Cobra MATATA et discuter sur des possibilités de leur intégration. Des engagements de part et d'autre ont été pris. Le gouvernement à travers le Commissaire de District Adjoint chargé des finances, a pris l'engagement d'assurer la prise en charge des miliciens en vue de sécuriser la population et le FRPI s'est engagé à protéger les civils en attendant la suite des pourparlers sans accepter de remettre les armes	Toutes les deux parties se sont prononcées et ont fait part de leur engagement pour aboutir à une paix durable si le dialogue aboutit.
09 mars 2012	Retrait des derniers 900 éléments positionnés dans le Sud Irumu. Ils ont quitté pour rejoindre les sites et qu'à partir de cette date aucun militaire n'est encore présent dans cette zone	Dans un entretien avec le BCNUDH, Le T2 de la zone -ops, a confirmé l'information selon laquelle aucun élément FARDC ne se trouve sur l'axe Bunia- Gety-Bogoro
12 mars 2012	Suite au retrait des derniers éléments FARDC de leurs positions de Gety, Tchekele et Bogoro et en raison du fait que leurs doléances sont restées lettre morte, Cobra Matata a décidé de progresser et occuper Gety abandonné depuis le 09 mars. Une partie est restée à Bukiringi et l'autre est à	Selon des sources militaires de la Brigade corroborées par le rapport de CLA de Bukiringi, Cobra est parti pour y ériger son quartier Général

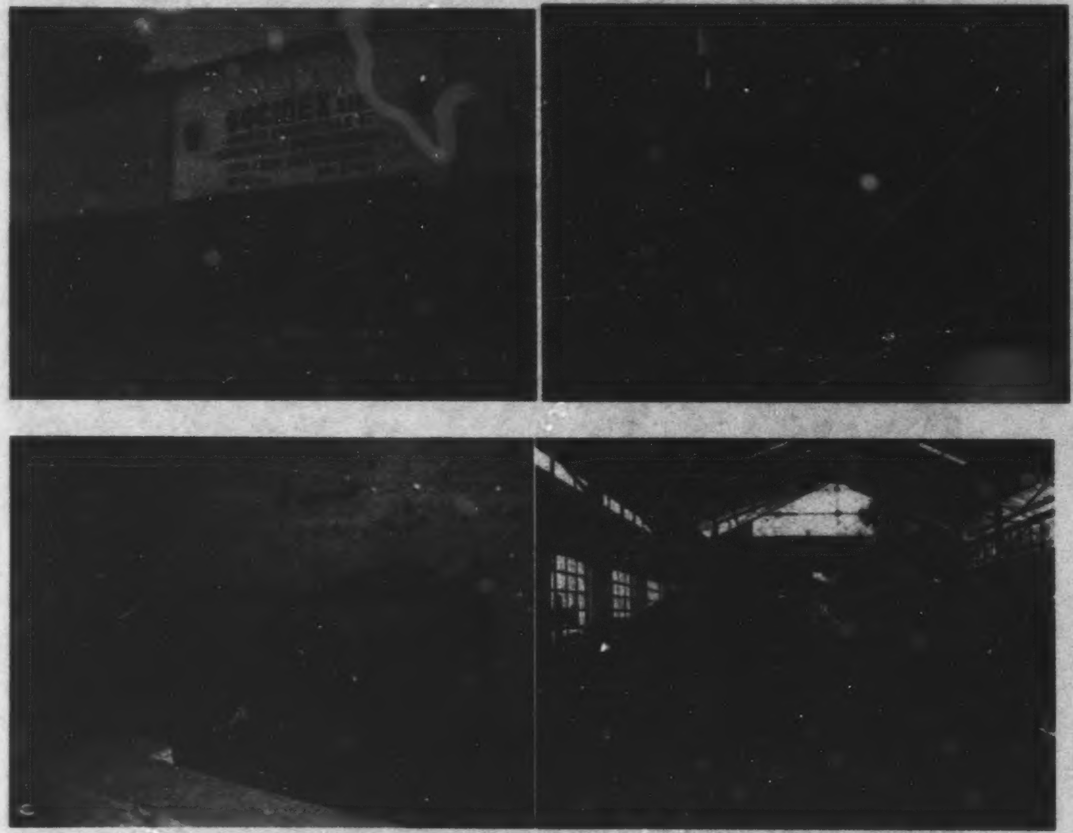
Annex 40

AK-47 ammunition and 60 mm mortar bombs that were destined for Amani Leo operations in Masisi and Walikale

82MB — HE
Quantity 3 pcs
G/W (kg) 14kGS
82MB — HE

Annex 41

Photographs of negligence and dilapidation at SOCIDEX (formerly AFRIDEX) explosives plant in Likasi, Katanga province

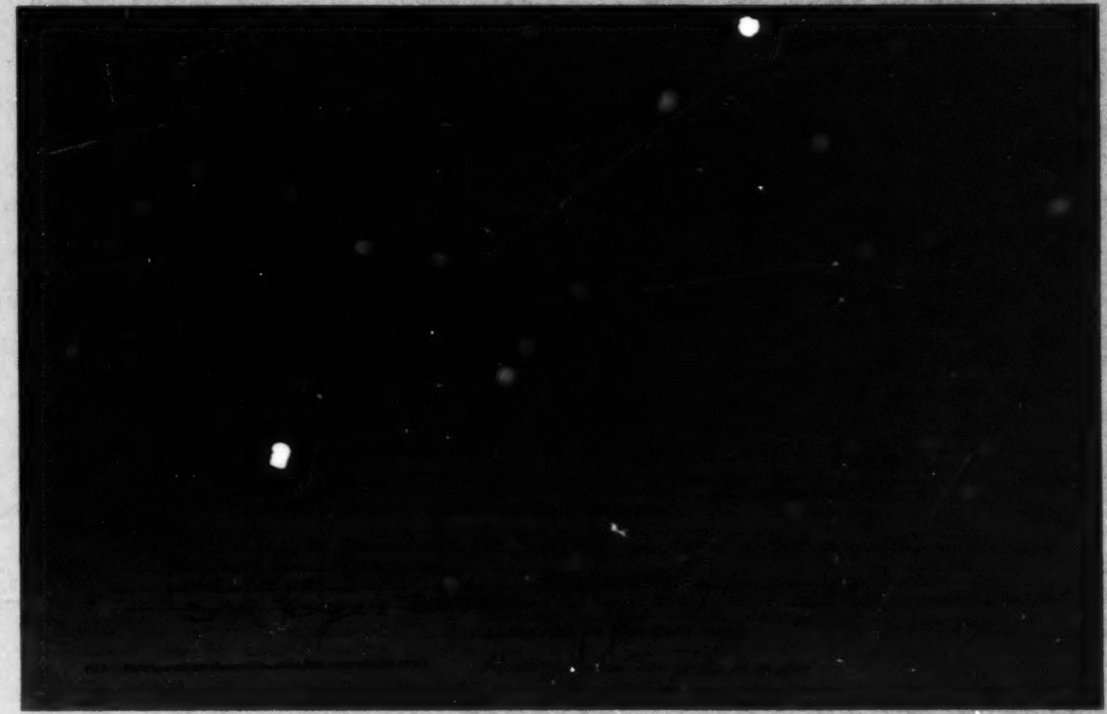


Annex 42

Tin purchases from Bisie of *comptoir* Huaying in February 2012 and by *comptoir* CMM in March 2012

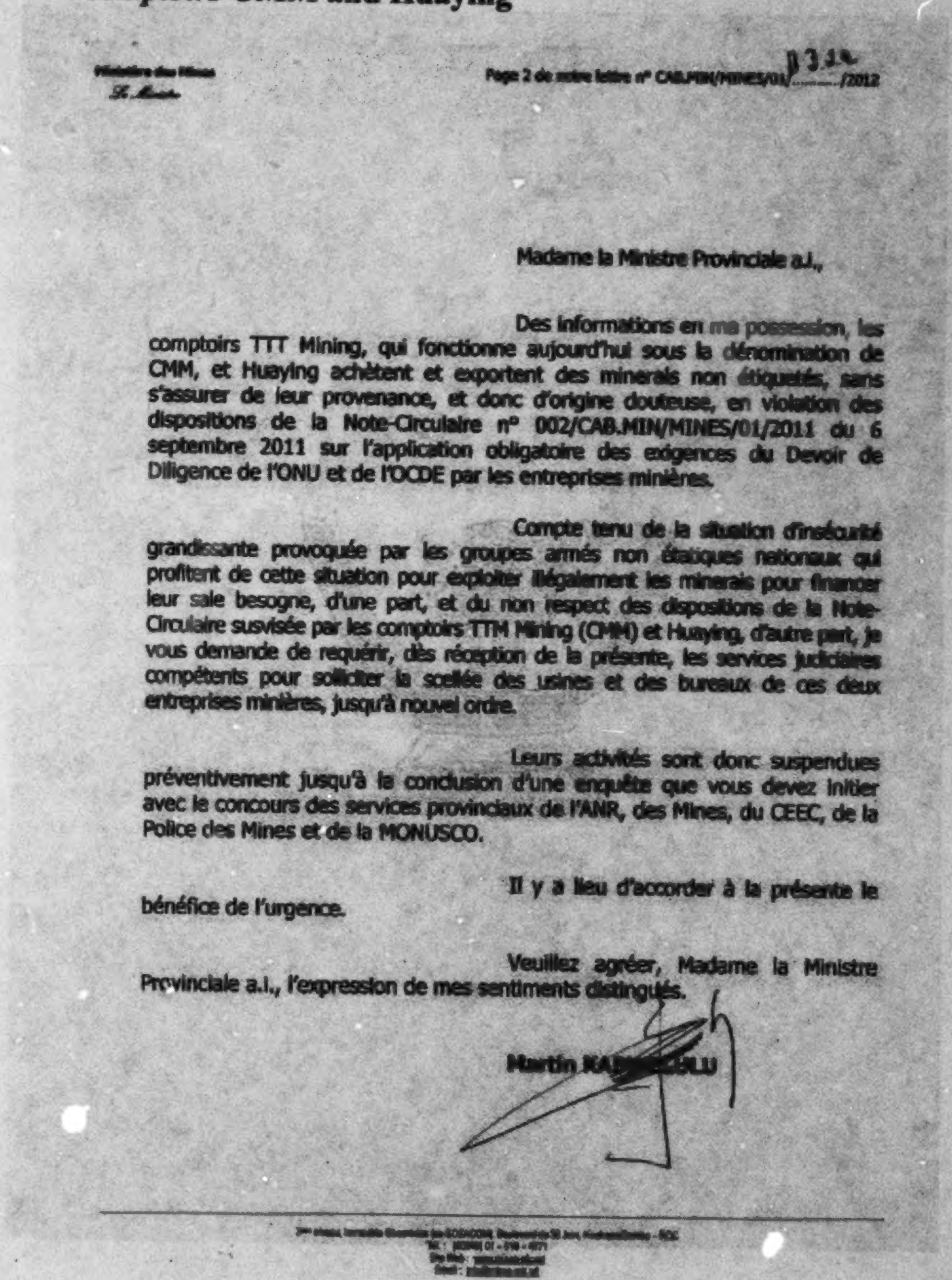
Annex 43

Tin purchases from Bisie of *comptoir* Metachem in January 2012, by *comptoir* GMC in February 2012 and by *comptoir* AMR Mugote in March 2012



Annex 44

Suspension announcement by the Minister of Mines for *comptoirs* CMM and Huaying



Page 2 de notre lettre n° CAB.MIN/MINES/01/ 0310 /2012

Madame la Ministre Provinciale a.i.,

Des informations en ma possession, les comptoirs TTT Mining, qui fonctionne aujourd'hui sous la dénomination de CMM, et Huaying achètent et exportent des minerais non étiquetés, sans s'assurer de leur provenance, et donc d'origine douteuse, en violation des dispositions de la Note-Circulaire n° 002/CAB.MIN/MINES/01/2011 du 6 septembre 2011 sur l'application obligatoire des exigences du Devoir de Diligence de l'ONU et de l'OCDE par les entreprises minières.

Compte tenu de la situation d'insécurité grandissante provoquée par les groupes armés non étatiques nationaux qui profitent de cette situation pour exploiter illégalement les minerais pour financer leur sale besogne, d'une part, et du non respect des dispositions de la Note-Circulaire susvisée par les comptoirs TTM Mining (CMM) et Huaying, d'autre part, je vous demande de requérir, dès réception de la présente, les services judiciaires compétents pour solliciter la scellée des usines et des bureaux de ces deux entreprises minières, jusqu'à nouvel ordre.

Leurs activités sont donc suspendues préventivement jusqu'à la conclusion d'une enquête que vous devez initier avec le concours des services provinciaux de l'ANR, des Mines, du CEEC, de la Police des Mines et de la MONUSCO.

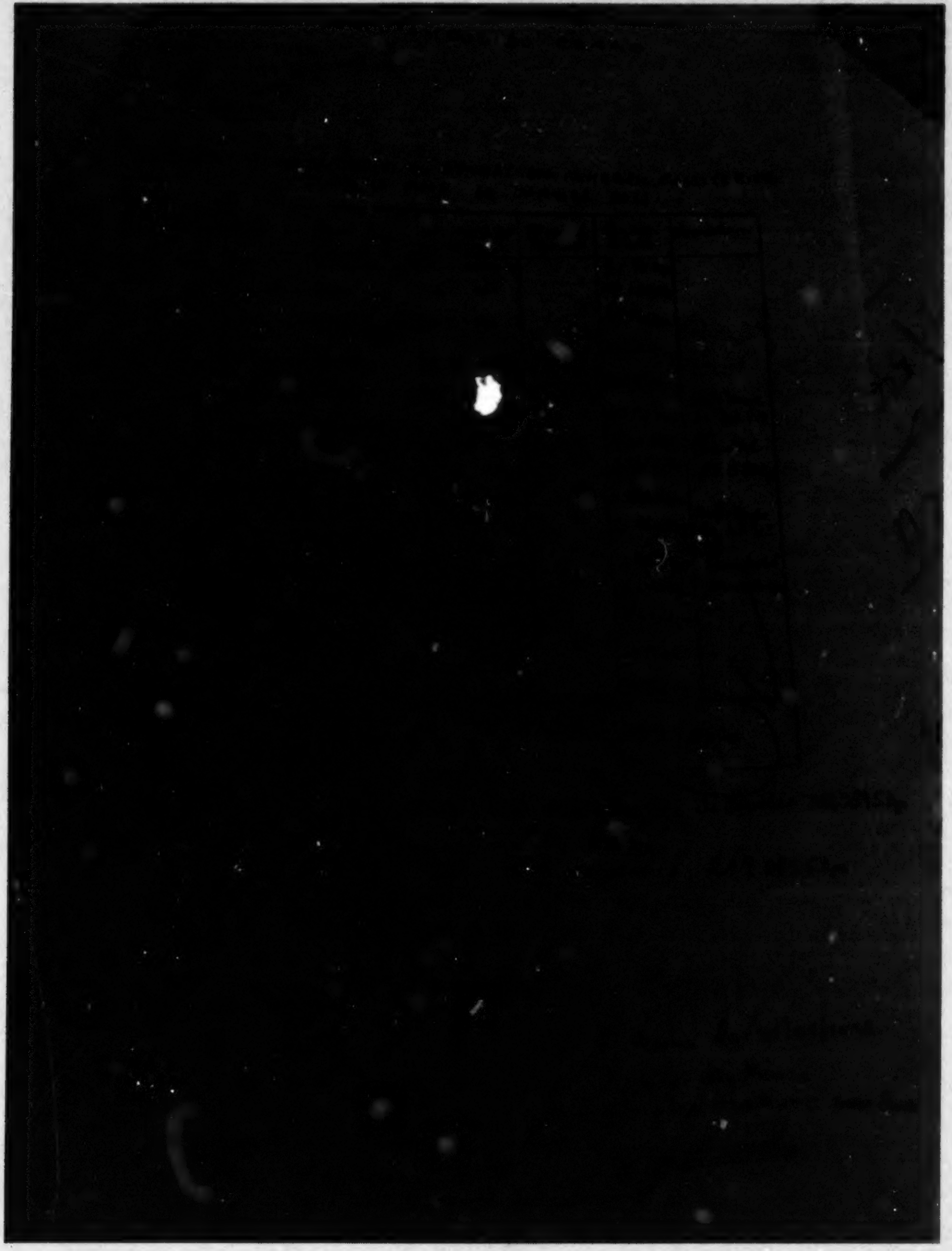
Il y a lieu d'accorder à la présente le bénéfice de l'urgence.

Veuillez agréer, Madame la Ministre Provinciale a.i., l'expression de mes sentiments distingués.

Martin KA[illegible]LU

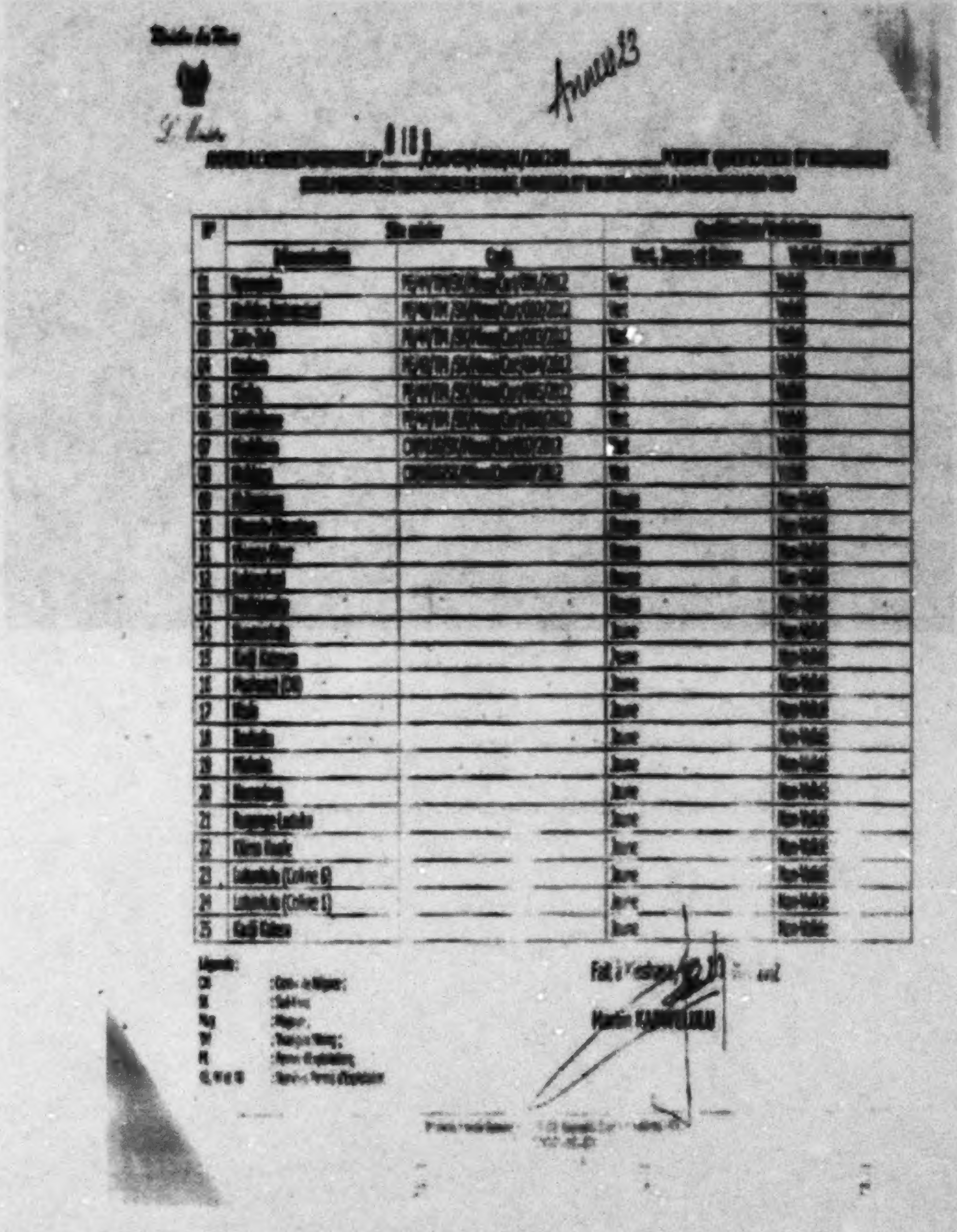
nnex 45

Tin purchases of *comptoir* Huaying from Bisie in January 2012



Annex 46

List of validated mines in the vicinity of the *centre de négoce* of M gogo



Annexe 23

018

N°	Site minier		Qualification/Validation	
	Dénomination	Code	Vert, Jaune et Rouge	Validé ou non validé
01	[illegible]	[illegible]	Vert	Validé
02	[illegible]	[illegible]	Vert	Validé
03	[illegible]	[illegible]	Vert	Validé
04	[illegible]	[illegible]	Vert	Validé
05	[illegible]	[illegible]	Vert	Validé
06	[illegible]	[illegible]	Vert	Validé
07	[illegible]	[illegible]	Vert	Validé
08	[illegible]	[illegible]	Vert	Validé
09	[illegible]		[illegible]	Non-Validé
10	[illegible]		[illegible]	Non-Validé
11	[illegible]		[illegible]	Non-Validé
12	[illegible]		[illegible]	Non-Validé
13	[illegible]		[illegible]	Non-Validé
14	[illegible]		Jaune	Non-Validé
15	[illegible]		Jaune	Non-Validé
16	[illegible]		Jaune	Non-Validé
17	[illegible]		Jaune	Non-Validé
18	[illegible]		Jaune	Non-Validé
19	[illegible]		Jaune	Non-Validé
20	[illegible]		Jaune	Non-Validé
21	[illegible]		Jaune	Non-Validé
22	[illegible]		Jaune	Non-Validé
23	[illegible] (Colline 2)		Jaune	Non-Validé
24	[illegible] (Colline 1)		Jaune	Non-Validé
25	[illegible]		Jaune	Non-Validé

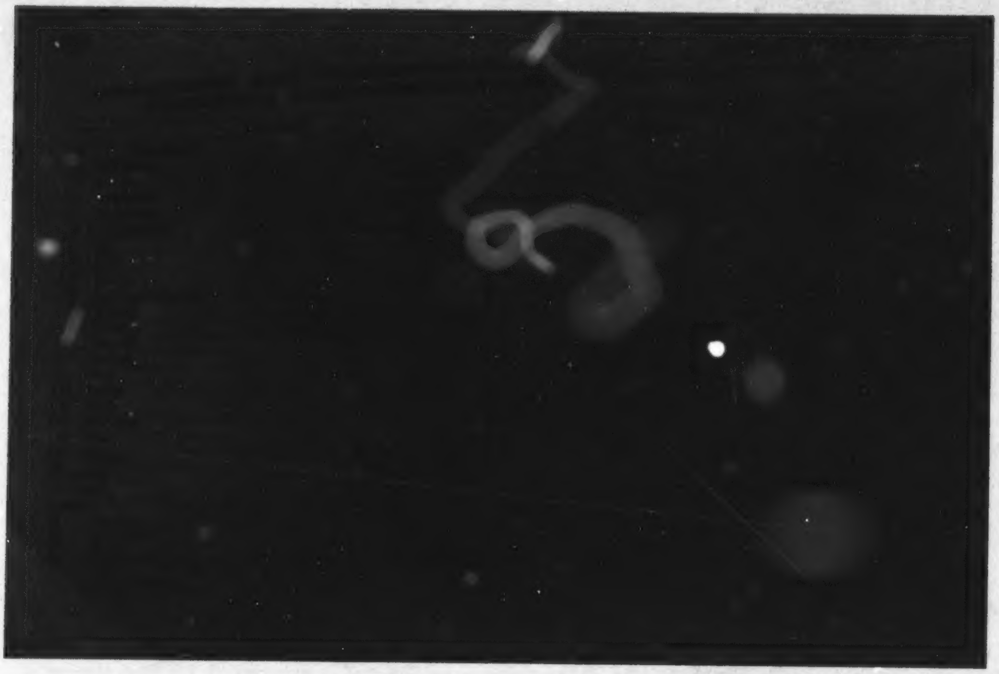
Légende:

Fait à Kinshasa, le

Martin [illegible]

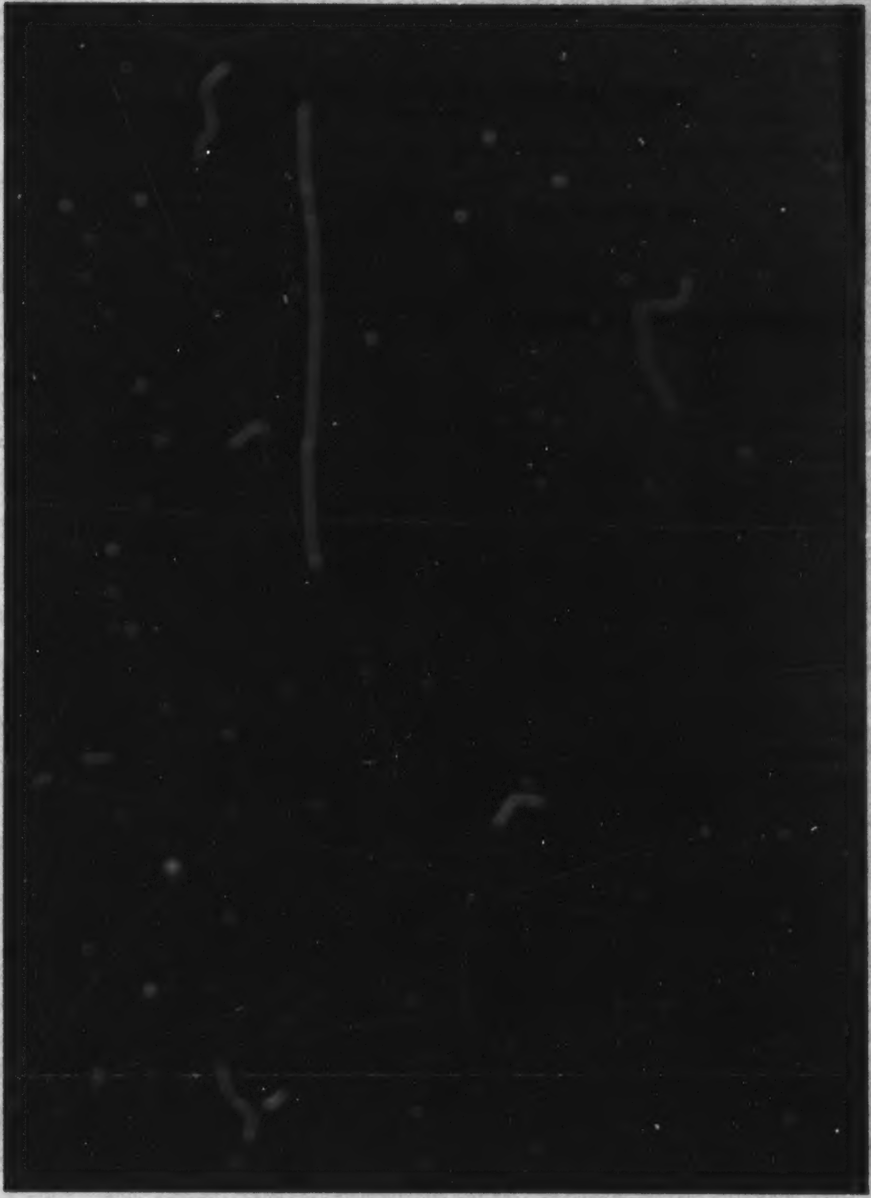
Annex 47

List of validated mines in the vicinity of the *centre de négoce* of Rubaya



Annex 48

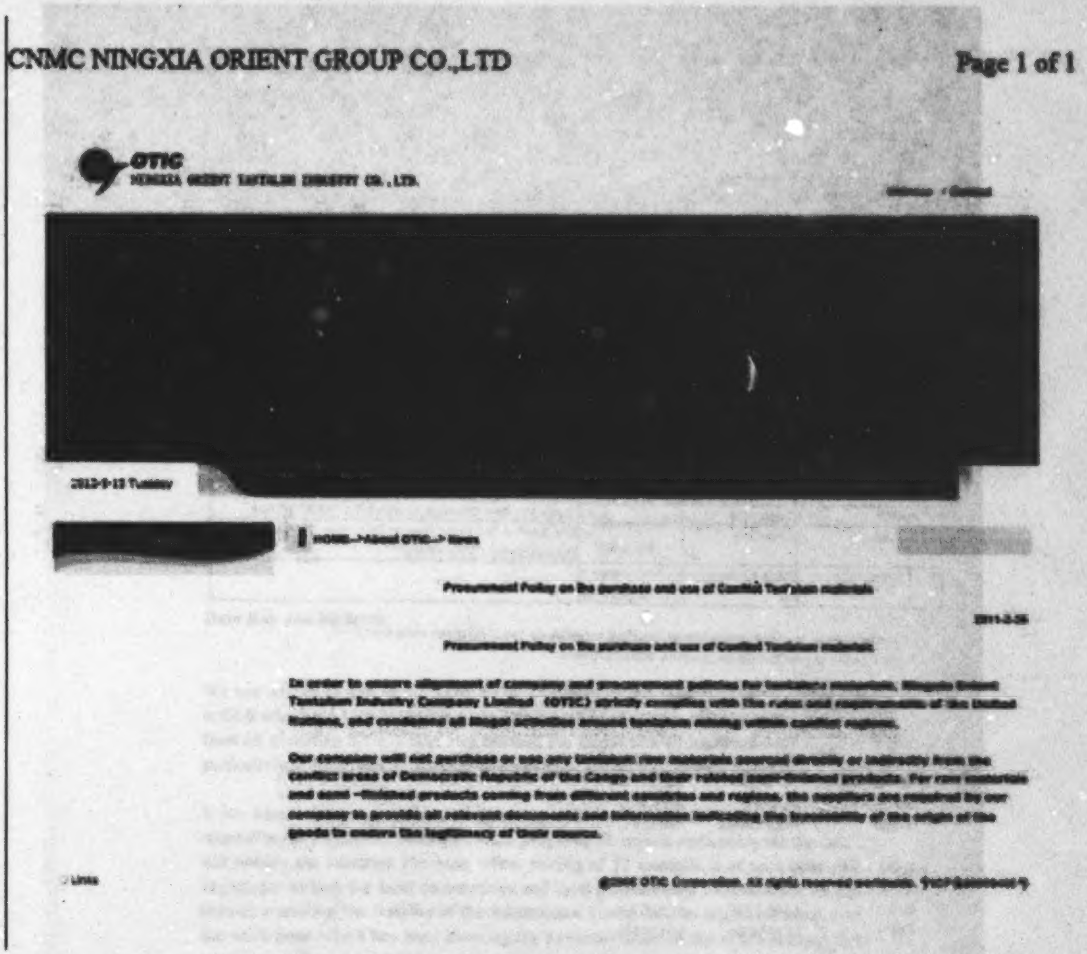
Letter of the former provincial minister of mines Naasson Kubuya Ndoole, assuring the national Ministry of Mines that material sent back from Rwanda was safely locked away in Goma



[redacted]

Annex 49

Procurement policy based on United Nations due diligence guidelines adopted by Ningxia Orient Tantalum Industry Company



CNMC NINGXIA ORIENT GROUP CO.,LTD

Page 1 of 1

OTIC
NINGXIA ORIENT TANTALUM INDUSTRY CO.,LTD.

[illegible] / Contact

2012-9-13 Tuesday

HOME-->About OTIC--> News

Procurement Policy on the purchase and use of Conflict Tantalum materials

2011-2-26

Procurement Policy on the purchase and use of Conflict Tantalum materials

In order to ensure alignment of company and procurement policies for tantalum materials, Ningxia Orient Tantalum Industry Company Limited (OTIC) strictly complies with the rules and requirements of the United Nations, and condemns all illegal activities around tantalum mining within conflict regions.

Our company will not purchase or use any tantalum raw materials sourced directly or indirectly from the conflict areas of Democratic Republic of the Congo and their related semi-finished products. For raw materials and semi -finished products coming from different countries and regions, the suppliers are required by our company to provide all relevant documents and information indicating the traceability of the origin of the goods to ensure the legitimacy of their source.

Links

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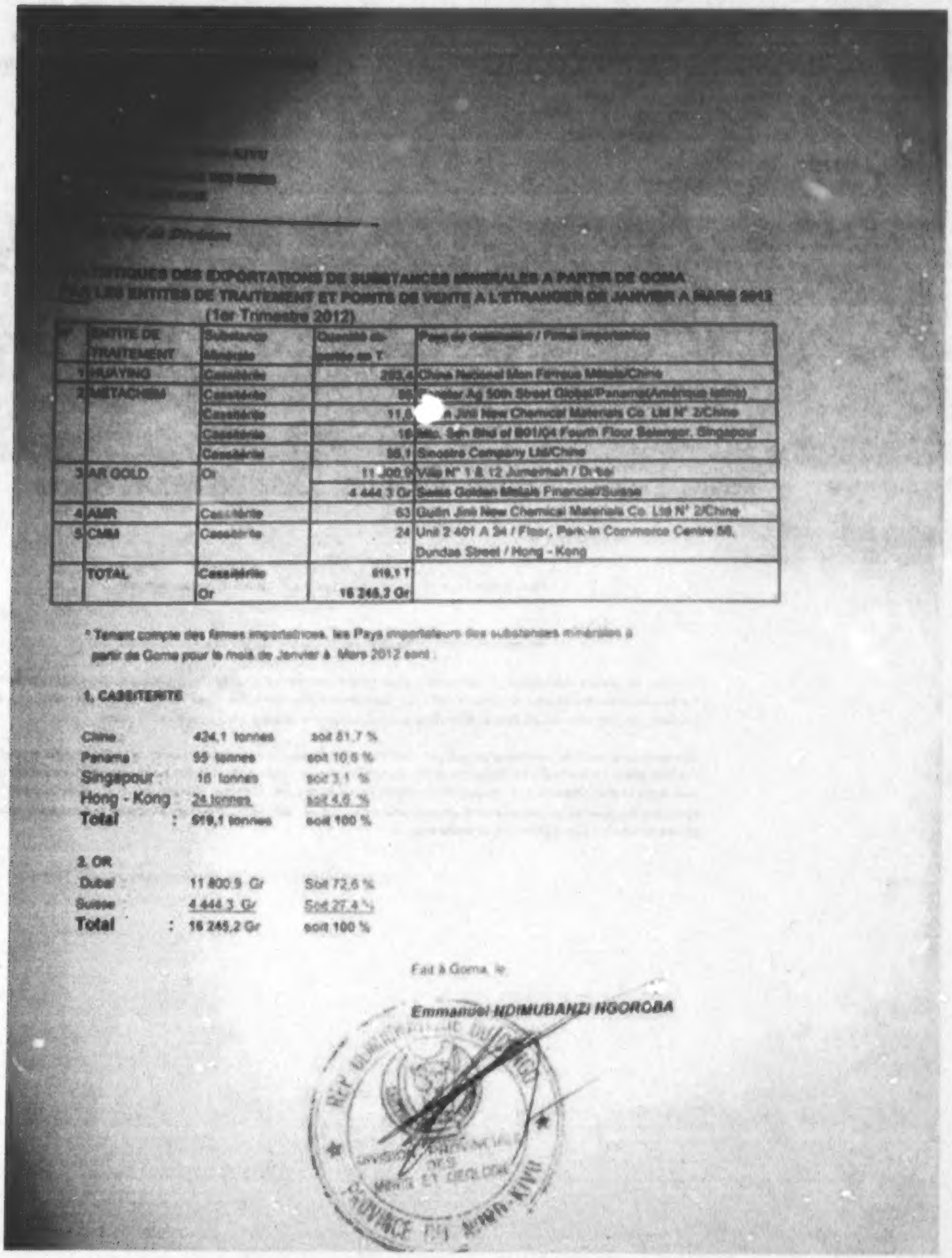
Annex 50

Official mineral exports from North Kivu during the first trimester of 2012



KIVU
DES MINES
[illegible]

Chef de Division

STATISTIQUES DES EXPORTATIONS DE SUBSTANCES MINERALES A PARTIR DE GOMA PAR LES ENTITES DE TRAITEMENT ET POINTS DE VENTE A L'ETRANGER DE JANVIER A MARS 2012

(1er Trimestre 2012)

N°	ENTITE DE TRAITEMENT	Substance Minérale	Quantité de partie en T	Pays de destination / Firmes importatrices
1	HUAYING	Cassitérite	283,4	China National Non Ferrous Métals/Chine
2	METACHEM	Cassitérite	55	Trader Ag 50th Street Global/Panama(Amérique latine)
		Cassitérite	11,6	[illegible] Jinli New Chemical Materials Co. Ltd N° 2/Chine
		Cassitérite	16	Mtc. Sdn Bhd of B01/04 Fourth Floor Selangor, Singapour
		Cassitérite	56,1	Sinostre Company Ltd/Chine
3	AR GOLD	Or	11 800,9	Villa N° 1 & 12 Jumeirah / Dubai
			4 444,3 Gr	Swiss Golden Metals Financial/Suisse
4	AMR	Cassitérite	63	Guilin Jinli New Chemical Materials Co. Ltd N° 2/Chine
5	CMM	Cassitérite	24	Unit 2 401 A 24 / Floor, Park-In Commerce Centre 56, Dundas Street / Hong - Kong
	TOTAL	Cassitérite Or	519,1 T 16 245,2 Gr	

* Tenant compte des firmes importatrices, les Pays importateurs des substances minérales à partir de Goma pour le mois de Janvier à Mars 2012 sont :

1. CASSITERITE

Chine :	424,1 tonnes	soit 81,7 %
Panama :	55 tonnes	soit 10,6 %
Singapour :	16 tonnes	soit 3,1 %
Hong - Kong :	24 tonnes	soit 4,6 %
Total :	519,1 tonnes	soit 100 %

2. OR

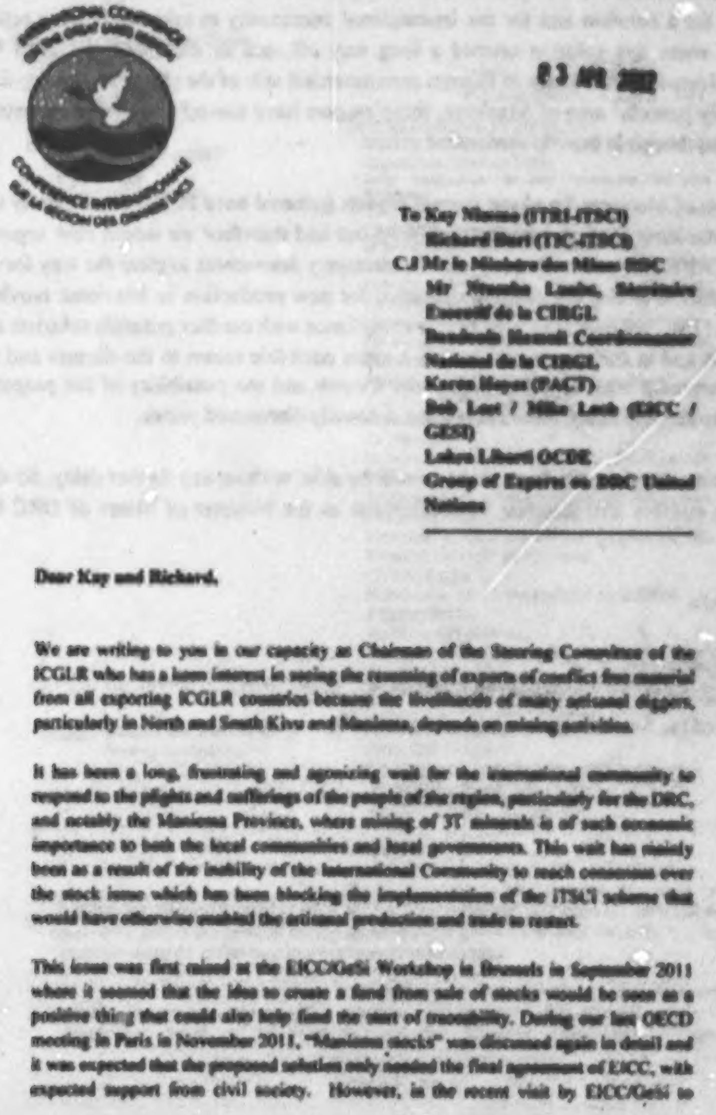
Dubai :	11 800,9 Gr	Soit 72,6 %
Suisse :	4 444,3 Gr	Soit 27,4 %
Total :	16 245,2 Gr	soit 100 %

Fait à Goma, le

Emmanuel NDIMUBANZI NGOROBA

Annex 51

Letter from the Steering Committee of the International Conference of the Great Lakes Region addressed to iTSCi



03 APR 2012

To Kay Nimmo (ITRI-iTSCi)
Richard Burt (TIC-iTSCi)
C.I Mr le Ministre des Mines RDC
Mr Ntumba Luaba, Secrétaire Exécutif de la CIRGL
Bandombe Hamadi Coordonnateur National de la CIRGL
Karen Hayes (PACT)
Bob Leet / Mike Loch (EICC / GESI)
Lahra Liberti OCDE
Group of Experts on DRC United Nations

Dear Kay and Richard,

We are writing to you in our capacity as Chairman of the Steering Committee of the ICGLR who has a keen interest in seeing the resuming of exports of conflict free material from all exporting ICGLR countries because the livelihoods of many artisanal diggers, particularly in North and South Kivu and Maniema, depends on mining activities.

It has been a long, frustrating and agonizing wait for the international community to respond to the plights and sufferings of the people of the region, particularly for the DRC, and notably the Maniema Province, where mining of 3T minerals is of such economic importance to both the local communities and local governments. This wait has mainly been as a result of the inability of the International Community to reach consensus over the stock issue which has been blocking the implementation of the ITSCI scheme that would have otherwise enabled the artisanal production and trade to restart.

This issue was first raised at the EICC/GeSi Workshop in Brussels in September 2011 where it seemed that the idea to create a fund from sale of stocks would be seen as a positive thing that could also help fund the start of traceability. During our last OECD meeting in Paris in November 2011, "Maniema stocks" was discussed again in detail and it was expected that the proposed solution only needed the final agreement of EICC, with expected support from civil society. However, in the recent visit by EICC/GeSi to

Eastern DRC it was clearly conveyed to the Government that EICC/GeSi will not endorse the movement of the stock to smelters participating in their CFS scheme and that it can be sold to smelters outside the CFS scheme.

We can understand the frustration of the owners of the stock who have been waiting patiently for a solution and for the international community to take some clear action, however, since this solution seemed a long way off, and as the December 2011 UN Report released by the Group of Experts recommended sale of the stocks as coming from a generally peaceful area of Maniema, those owners have moved to ship the mineral to China even though at heavily discounted prices.

In the case of Maniema Province, current reports gathered have all indicated clearly that all the "Maniema Stocks" have been shipped out and therefore we would now urgently call on ITRI/TIC to promptly carry out the necessary assessment to clear the way for the implementation of the bag tagging operation for new production in Maniema province under the ITSCi scheme. This will enable compliance with conflict minerals schemes and regulations and at the same time provide a more equitable return to the diggers and the local government who have lost significant income and the possibility of the proposed community fund by being forced into trade at heavily discounted prices.

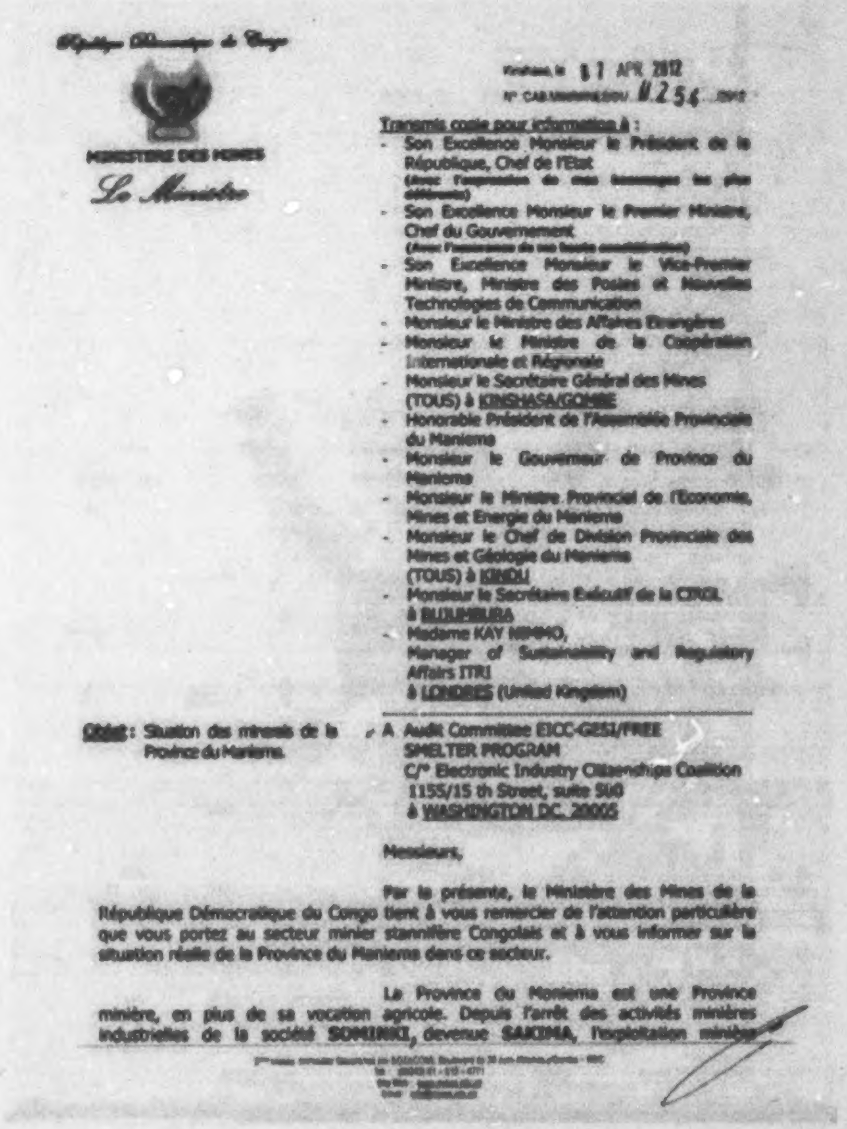
In conclusion we sincerely hope that you will be able, without any further delay, be able to tag the conflict free material from Maniema as the Minister of Mines of DRC has requested

Best regards

Mabolia Yenga
Chairman of the Steering Committee of the ICGLR

Annex 52

Letter from the Minister of Mines of the Democratic Republic of the Congo addressed to the audit committee of EICC/GeSi



République Démocratique du Congo
MINISTERE DES MINES
Le Ministre

Kinshasa, le 17 APR 2012
N° CAB.MIN/MINES/01/ 0254 /2012

Transmis copie pour information à :

- Son Excellence Monsieur le Président de la République, Chef de l'Etat
  (Avec l'expression de mes hommages les plus déférents)
- Son Excellence Monsieur le Premier Ministre, Chef du Gouvernement
  (Avec l'assurance de ma haute considération)
- Son Excellence Monsieur le Vice-Premier Ministre, Ministre des Postes et Nouvelles Technologies de Communication
- Monsieur le Ministre des Affaires Etrangères
- Monsieur le Ministre de la Coopération Internationale et Régionale
- Monsieur le Secrétaire Général des Mines
  (TOUS) à KINSHASA/GOMBE
- Honorable Président de l'Assemblée Provinciale du Maniema
- Monsieur le Gouverneur de Province du Maniema
- Monsieur le Ministre Provincial de l'Economie, Mines et Energie du Maniema
- Monsieur le Chef de Division Provinciale des Mines et Géologie du Maniema
  (TOUS) à KINDU
- Monsieur le Secrétaire Exécutif de la CIRGL
  à BUJUMBURA
- Madame KAY NIMMO,
  Manager of Sustainability and Regulatory Affairs ITRI
  à LONDRES (United Kingdom)

Objet : Situation des minerais de la Province du Maniema.

A Audit Committee EICC-GESI/FREE
SMELTER PROGRAM
C/° Electronic Industry Citizenships Coalition
1155/15 th Street, suite 500
à WASHINGTON DC. 20005

Messieurs,

Par la présente, le Ministère des Mines de la République Démocratique du Congo tient à vous remercier de l'attention particulière que vous portez au secteur minier stannifère Congolais et à vous informer sur la situation réelle de la Province du Maniema dans ce secteur.

La Province du Maniema est une Province minière, en plus de sa vocation agricole. Depuis l'arrêt des activités minières industrielles de la société SOMINKI, devenue SAKIMA, l'exploitation minière